NOTES
ON
RUPERT'S AMERICA

By

REV. G. O. CORBETT, M.D.

1868

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RUPERT'S LAND

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Introduction by Bruce Peel

A Centennial Publication in Facsimile by
THE BIBLIOGRAPHICAL SOCIETY OF CANADA
LA SOCIÉTÉ BIBLIOGRAPHIQUE DU CANADA
TORONTO, CANADA

1967

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Bibliographical Society of Canada,
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Facsimile Series No. 8.

INTRODUCTION

The Publications Committee of the Bibliographical Society of Canada as one of its Canadian Centennial publications proposed a facsimile reprint of a pamphlet relating to Western Canada published about the year 1867. This limited the choice to three or four publications, and Notes on Rupert's America by the Rev. Griffith Owen Corbett was selected.

The author in his prefatory remarks addressed to the Duke of Buckingham, the Secretary of State for the Colonies, gives his justification for writing a book about Rupert's Land, then still governed by the Hudson's Bay Company. Making reference to the impending change in control of the vast territory, he says that "the subject increases in urgency and importance" and he is writing because he has been unable to discover a single work setting out the salient points which need to be brought before the English public. He promises to show the fertility of the territory, to point out the vast consequence of opening an overland route across British North America, and to prove that the Hudson's Bay Company has no legal jurisdiction in Rupert's Land, nor any right to compensation (other than for the Company's posts) should the legal status of the territory change. His prefatory remarks conclude by stressing the need of an early settlement to the question of what to do with the Hudson's Bay Company's territory.

The author states that he has endeavored in Notes on Rupert's America to "state the case clearly and impartially", and in general he succeeds. However, when he makes reference to himself he oversimplifies events. Perhaps his own account (pages 29-30) might be set out as an introduction to the life and times of a clergyman whose fall from grace kept the isolated settlement along Red River in a state of excitement for five months.

> "And during this sharp conflict, persecution was dealt out with a high hand against those who had taken prominent part in advocating said petition to Parliament; one, an English clergyman, was imprisoned, and after a large memorial, which had been presented to the Governor for his release, was refused by said Official, his congregation went in open day, and burst open the Company's prison, and conveyed him back to his Station. Another, was a Scotch Schoolmaster, who had taken part on the same side, and joined in the Release, and he was arrested by the Company's Sheriff, and one of their constables, and closely confined in their gaol; whereupon, an armed cavalry arose, and advanced before Fort Garry Gates, and deputed their Captains, Messrs. Hallette and Bourke to wait on said Governor for said prisoner's release, and to drop this kind of policy, but, on their being met with his deliberate refusal, the armed force, arranged themselves in order, with their guns pointed, ready to die in the maintenance of what they believed to be right, cleared aside the outer stockades, burst the prison doors, and gave freedom to its captives; . . . "

The Rev. Griffith Owen Corbett came to Canada in 1851 under the auspices of the Colonial and Continental Church Society. He spent his first winter in Montreal, then with the opening of navigation in the spring of 1852 travelled, via St. Paul, to the Red River Settlement. In the Settlement he was placed temporarily in charge of St. Andrew's Parish and on December 19, 1852, he was ordained by the Bishop of Rupert's Land. Corbett then took charge of Holy Trinity Parish at Headingley on the Assiniboine River a dozen miles west of Fort Garry. In 1855, the clergyman returned to England, presumably for further theological study. During the winter of 1856-57 he attended medical lectures at King's College to gain some knowledge so that he could help his parishioners. In 1857, he returned to the Red River Settlement, this time travelling by way of York Factory on Hudson Bay.

While in England the Rev. G. O. Corbett in 1857 gave evidence before the House of Commons Select Committee on the Hudson's Bay Company. With Mr. A. K. Isbister, a long-time antagonist of the Hudson's Bay Company, Mr. Corbett spoke for those in the Settlement opposed to Company rule. The theme of Mr. Corbett's evidence was that the Company tried to prevent the spread of settlement since this interfered with the fur trade, citing in particular some difficulties experienced by settlers at Portage la Prairie. The attempts of the latter settlers to secure a missionary had been checkmated by the Company, and hence the inference that the Company was opposed to the opening of new missions.

Upon his return to the Settlement, Mr. Corbett, with the approval of his bishop, began acting as a medical practitioner since there was a dearth of medical men in the colony. At a testimonial dinner on October 16, 1862, in his honor, Corbett disclaimed any attempt to pose as a fully qualified physician; he said that he was a humble student of the science, endeavoring in the absence of qualified physicians to alleviate human suffering. The testimonial address stated that in his eight years in the colony, the medical missionary at all times and in all weather had attended the calls of the sick and had given out some 4,000 prescriptions of medicine. Both medical services and drugs had been made without charge to the settlers.

In view of the scandal shortly to engulf and ruin Mr. Corbett's reputation, one wonders if the testimonial evening were not organized at this particular time to demonstrate to everyone in the Settlement the high esteem in which the clergyman was held in his parish. Undoubtedly the rumours of a pregnant girl living with her parents in a neighboring parish would have been whispered through the Settlement; a testimonial evening would scotch talk of Corbett's responsibility, or at least be a demonstration of faith in the clergyman. Even this testimonial was a subject of controversy as two prominent French half-breeds later took to the columns of the Nor'Wester to say that they had not affixed their names, and while they and their families had received medical treatment from Corbett, this did not mean, as suggested by the wording of the testimonial, that they were among his Protestant parishioners; furthermore, they could not have signed the testimonial as they were away on the Fall Hunt for buffalo on the prairies. To this the organizer replied that their names had been added to the memorial at the request of the mother of one and the father-in-law of the other.

Shortly before the event narrated above, Mr. Corbett, in the company of the Rev. John Chapman and Mr. Frank Larned Hunt with two others, had made an exploratory trip on horseback as far as the Lake of the Woods to prove the feasibility of an overland route between Red River and Lake Superior, and thence to Canada.

In Minnesota that summer the Sioux Indians had massacred some whites in isolated settlements. There was a danger that the perpetrators of the massacres might take refuge in British territory. The Council of Assiniboia raised the question of the protection of the Settlement and suggested a petition to the Imperial Government for troops to be stationed at Red River. When the petition was sent to the Nor'Wester to be printed, James Ross, one of the editors, withheld it from the press and prepared a new petition which not only asked for Imperial troops, but in the name of the people in the Settlement expressed deep and wide-spread discontent with the rule of the Hudson's Bay Company. The petition asked for a complete change of government "to ensure justice between man and man, security for the settlement, and the development of the resources of the country in the future." Thus it came about that there were two petitions in circulation; one, the Council's petition and secondly, the people's petition. Two clergymen took a prominent part in urging the people not to sign the Council's petition; these were Mr. Chapman and Mr. Corbett.

At this juncture, Mr. Corbett was apprehended and brought before a magistrate charged with having made repeated attempts to procure an abortion on a sixteen-year-old girl in domestic service in his home. As events were to indicate, among many people in the Settlement there was a disbelief that a man held in such high regard as a clergyman and a medical missionary could be guilty, and a strong suspicion that the authorities were trying to discredit him because of his part in the battle of the petitions. The strenuous efforts of friends during the next five months to free and exonerate Mr. Corbett made the trial a cause célèbre.

Mr. Corbett was lodged in jail early in December with the prospect of standing trial at the next meeting of the General Quarterly Court in February. Public opinion in favor of the prisoner was aroused when he claimed that the magistrate had with ridicule refused to admit him to bail. On the afternoon of December 6, a party of men arrived at the prison and forced an entrance with the intention of releasing him. Governor Dallas of the Hudson's Bay Company interviewed them. Later, a deputation from the crowd called on the Governor of Assiniboia, Mr. William Mactavish, to request the release of the prisoner on bail. Ten days later a court of justices of the peace set Mr. Corbett free on bail.

Meantime Mr. Corbett's friends had complained that a copy of the deposition taken at the preliminary examination had been refused the accused; the official responsible said in reply that it had never been formally requested. In a letter in the Nor' Wester the accused suggested that the proceedings were a frame-up directed against him by the Hudson's Bay Company because of his known hostility to its rule. Corbett's parishioners sought a special court to try his case immediately rather than have the charge hang over him until February, but the authorities refused since the girl, Maria Thomas, could not be in attendance because of her approaching confinement. The petitioners argued that she had already made a deposition which might be read to the jury in her absence, but the authorities refused to accede to this suggestion, and in course of time Corbett went on trial before the Quarterly Court.

At the opening of the Court on February 19, 1863, Corbett's friends expressed their disapproval of the whole proceeding and their confidence in his innocence by withdrawing from the courtroom during the reading of the indictment. The defense counsel opened the case by asking that the countercharge against Maria Thomas for libel come before the court first on the basis of a document witnessed by a local justice of the peace several months earlier; the girl had signed a statement saying she had not had immoral relations with the accused. This document was thrown out as inadmissible and Corbett's trial proceeded.

Maria Thomas was on the stand for a day and a half. The picture of the accused presented by her evidence was that of a man terrified at the prospect of the ruin of his reputation and of his standing in the Settlement in consequence of his illicit passion for the girl. First, he tried the classic solution to the problem of the mistress become pregnant, marriage to another; but the girl rejected the candidate. Next the medical missionary administered draughts and potions to her, some of which she spat out because she disliked the taste, while those she swallowed made her violently ill. Finally, to allay the growing suspicions of his wife, he drafted a statement which he read to Maria in the presence of his wife and the justice of the peace, and which he induced Maria to sign; this was the document alluded to earlier as the basis of the libel charge. At the end of the trial the jury brought in a verdict of guilty and the judge sentenced Corbett to six months imprisonment, and here the matter might have been expected to rest.

Early in April a petition asking that Corbett be granted a pardon was signed by about 420 inhabitants of Red River and another 110 from Portage la Prairie. The petition made the following points. The prisoner prior to his committal had borne an unsullied moral character. During his incarceration, he had already suffered sufficiently, particularly as the penalty of an ecclesiastical court was still to fall on him. While he had attempted to procure a miscarriage, there was room for mercy since mother and daughter were doing well. During the trial, the jurors had been sharply divided and only with difficulty reached unanimity in returning a verdict of guilty. Finally it was asserted that Mr. Corbett's mind had been affected by his imprisonment and his mental suffering. The authorities gave consideration to the petition but gave a decision that Corbett had received a fair trial and had been found guilty, so that he should complete his sentence.

On April 20 a session of the Petty Court was held in the court room which was under the same roof as the cell block in which the prisoner was confined. After the court session a few men surrounded the door leading to the cell, intimidated the elderly jailer, then broke the jail padlock with a crowbar, and gaining admittance to the prison, freed Mr. Corbett. He was driven to his home at Headingley.

The authorities arrested one of the known ring-leaders of the attack on the prison block, James Stewart, a schoolmaster in the Parish of St. James. On the afternoon of the latter's capture, two men prominent among the English half-breeds visited Governor Dallas and demanded the immediate liberation of Stewart. The Governor refused the request, and swore in special constables in anticipation of trouble. The following day the special constables gathered at Fort Garry, and a special session of the Council was convened. In the afternoon a body of some fifty mounted men gathered in front of the prison and after some futile discussion between their leaders and the Council, they surged forward tearing down the pickets enclosing the prison yard, broke open the jail and liberated Stewart. The Council, to avoid bloodshed, did not call on the special constables to resist the attack.

From Headingley, Mr. Corbett, in a letter to the Bishop of Rupert's Land, confessed that he had had immoral relations with the girl, but denied the charge of attempted abortion. In a later meeting of the court, Judge Black read part of this letter which was then published in the Nor'Wester. The bishop, it may be assumed, made the letter public in order to allay the suspicion still abroad that Corbett had been framed by the authorities. In the same issue of the Nor'Wester, Corbett attempted to retract this private confession to his bishop. The Nor'Wester declared it was thoroughly tired of the subject of the scandal (a verbatim report of the trial had provided copy for many issues) and that if Mr. Corbett or his friends had anything more to say they must pay for insertion in the newspaper.

Mr. Corbett remained at Headingley for about a year before leaving Red River Settlement and returning to England. He left, a man repudiated by his bishop, alienated from his family, and discredited in the community. His wife remained in the Settlement with her children. Maria Thomas died in 1867.

In Appendix K of Notes on Rupert's America Corbett's activities in England to 1867 are set out. He would appear to have studied medicine and to have been entitled to the "M. D." he put after his name on the title page. He also gave lectures on Rupert's Land in schoolrooms at Porchester and Fareham. These were under the sponsorship of the local vicars, which would suggest that the Bishop of Rupert's Land had not taken any action to defrock him, and that the scandal was not generally known in Britain.

Back across the Atlantic the confederation of four provinces of British North America had come about, and the future of Rupert's Land was under debate. Corbett tried to influence political opinion on the disposition of the territory ruled over by the Hudson's Bay Company by the publication of three pamphlets. His first pamphlet was Notes on Rupert's America.

Corbett's second pamphlet was published in 1870, the title page of which is quoted as descriptive of its contents. The Red River Rebellion; the cause of it. In a series of letters to the British government on the importance of opening the overland route through Rupert's America from Canada to British Columbia. For the introduction of means for the administration of justice therein; the promotion of immigration; and earnest appeals to stop bloodshed in the Red River Settlement, by extending righteous rule to that country.

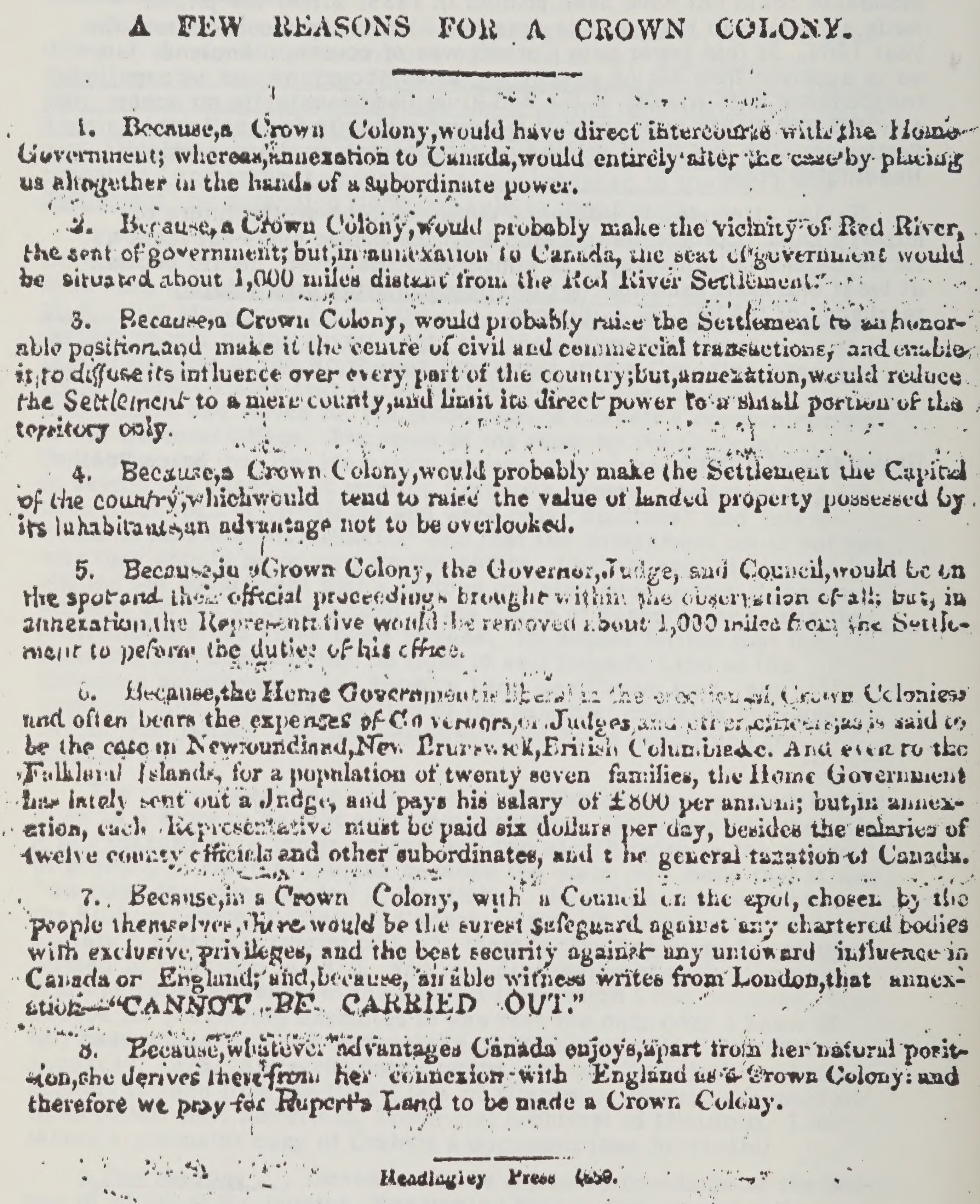
Later in the same year - the introductory remarks bear the date October 11, 1870 - Corbett published his third pamphlet on Rupert's Land with the title An appeal to the Right Hon. W. E. Gladstone, M. P., Her Majesty's Prime Minister, respecting the suppression of certain papers by the government, the "Red River Rebellion", and the illegal transfer of the Northwest Territories to the Canadian government. Corbett states that in the House of Lords the Marquis of Clanricarde had moved for the production of Corbett's communications to the Colonial Office. The tenor of the reply by the Colonial Secretary was that Her Majesty's government wished to be economical in saving the expense of printing Corbett's papers, that they had not been much read or circulated and were only "opinions" and "statements of fact without authority" and that the government could not see why they should be printed for the author. Corbett said his letters had warned the government that a serious uprising might occur if the government did not at once attend to the future of Rupert's Land, and that a disturbance had since come to pass. He argued further that the Hudson's Bay Company had no right to sell Rupert's Land to the Canadian government, that Rupert's Land was Crown land, not Company land. The last section of the pamphlet contains long excerpts from letters from two settlers in Red River describing the troubles there.

The preservation of a copy of a fourth Corbett item relating to Red River is a story to delight every bibliographer. This item had the title A few reasons for a crown colony and had significance in the history of printing in Western Canada because the claim was made that it was "the first document printed in Manitoba". In 1953 at the request of the Bibliographical Society of Canada I wrote an introduction to the Society's facsimile reprint of J. C. Major's The Red River Expedition printed in Winnipeg in 1870, and in a discussion of early Winnipeg printing made reference to the Corbett item which I had not seen. My excuse for not having examined it was that the only copy I knew of had been encased in the cornerstone of Winnipeg's first City Hall on August 17, 1875. Since the date I wrote, the old City Hall has been demolished and from the City Clerk of Winnipeg, through the good offices of Mr. Hart Bowsfield, Provincial Archivist of Manitoba, I obtained a photostat copy of Corbett's document (see facsimile).

A few reasons . . . turned out to be a printed broadside at the bottom of which is the imprint, Headingley Press. The year of the imprint is given also but the third number is indistinct and looks suspiciously like a five lacking the top cross-piece. Though the indistinct number would seem to be a five rather than a six, the broadside could not have been printed in 1859; either the printer made a mistake in his type, or time has blurred the number six of the year 1869. At this latter date Corbett was of course in England, but as is apparent from his *An appeal . . .* cited above, he was in correspondence with friends in the Red River Settlement. He no doubt sent his arguments in support of a crown colony to friends in the Settlement who had these printed as a broadside on the mysterious Headingley Press.

Having attempted to influence public opinion on the future of Rupert's Land, Corbett disappeared from the public eye - at least as far as Canadian bibliography is concerned. However, he did publish at least one more pamphlet, *A diary recording the bright dying testimony of the Rev. H. A. Simcoe*.

University of Alberta Bruce Peel.



A FEW REASONS FOR A CROWN COLONY.

1. Because,a Crown Colony,would have direct intercourse with the Home Government; whereas,annexation to Canada,would entirely alter the case by placing us altogether in the hands of a subordinate power.

2. Because,a Crown Colony,would probably make the vicinity of Red River, the seat of government; but,in annexation to Canada, the seat of government would be situated about 1,000 miles distant from the Red River Settlement.

3. Because,a Crown Colony, would probably raise the Settlement to an honorable position,and make it the centre of civil and commercial transactions, and enable it to diffuse its influence over every part of the country;but,annexation,would reduce the Settlement to a mere county,and limit its direct power to a small portion of the territory only.

4. Because,a Crown Colony,would probably make the Settlement the Capital of the country,whichwould tend to raise the value of landed property possessed by its inhabitants,an advantage not to be overlooked.

5. Because,in a Crown Colony, the Governor,Judge, and Council,would be on the spot and their official proceedings brought within the observation of all; but, in annexation,the Representative would be removed about 1,000 miles from the Settlement to perform the duties of his office.

6. Because,the Home Government is liberal in the erection of Crown Colonies and often bears the expenses of Governors,or Judges,and other officers;as is said to be the case in Newfoundland,New Brunswick,British Columbia&c. And even to the Falkland Islands, for a population of twenty seven families, the Home Government has lately sent out a Judge, and pays his salary of £800 per annum; but,in annexation, each Representative must be paid six dollars per day, besides the salaries of twelve county officials and other subordinates, and the general taxation of Canada.

7. Because,in a Crown Colony, with a Council on the spot, chosen by the people themselves,there would be the surest safeguard against any chartered bodies with exclusive privileges, and the best security against any untoward influence in Canada or England; and,because, an able witness writes from London,that annexation—"CANNOT BE CARRIED OUT."

8. Because,whatever advantages Canada enjoys,apart from her natural position,she derives therefrom her connexion with England as a Crown Colony: and therefore we pray for Rupert's Land to be made a Crown Colony.

Headingley Press 1859.

NOTES

ON

RUPERT'S AMERICA

ITS HISTORY AND RESOURCES,

ENCLOSED WITH A LETTER TO

HIS GRACE THE DUKE OF BUCKINGHAM

SECRETARY OF STATE FOR THE COLONIES

BY THE

REV. G. O. CORBETT. M. D.

LATE MINISTER OF ST. ANDREW'S AND HOLY TRINITY,

MEDICAL MISSIONARY, &c. *(in these territories)*.

1868.

TO HIS GRACE

THE DUKE OF BUCKINGHAM,

HER MAJESTY'S SECRETARY OF STATE FOR THE COLONIES.

My Lord Duke,

For several years past I have taken a deep interest in Rupert's Land or the North-West-Indian Territories, and have from time to time transmitted to those in authority by letter, petition or otherwise, the information I have possessed on the subject.

Of late, and since my second return to England, my attention has been in a more especial manner drawn to the affairs in those regions, and as, after much research, I have not been able to discover any single work, which gives a lucid and full account of the salient points thereof in a convenient form, and as I feel that the magnitude of the subject increases in urgency and importance, I have compiled these notes thereon; and now beg leave most respectfully to enclose them for the perusal and aid of Her Majesty's Ministers in legislating for that country, and would couple therewith my humble prayer that the wrongs of suffering and injured parties may be inquired into, and redressed, and that measures may be early taken which shall alike prevent their recurrence, and be commensurate with the spirit of progress, and the requirements of that great country.

I believe, Your Grace, that my notes not only

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show sufficiently the fertility and mineral value of those regions, and the vast consequence of opening this great Overland route, but that they also clearly demonstrate that the whole of these Territories, both for civil and criminal purposes, are, by Act of Parliament, exclusively placed under the Queen's Courts of England and Canada; and that the present Hudson's Bay Company simply started on the footing of a Licensed* Firm of Trade; which last expired in 1859; and as that Charter or License has not been renewed, the name of the Company exists now without even that footing, as an unlicensed firm; and I also believe Unregistered; and, therefore, it may be without due legal security to innocent shareholders, a state of things which is regarded by those who fully comprehend this startling position to be one of great public moment.

And from the investigation, I have made, Your Grace will allow me further to express my belief that, the Hudson's Bay Company could not establish a claim to any proprietory rights in the Soil on the old Charter before a competent tribunal, not so much as a small slice of land immediately around Hudson's Bay, because, "on the coasts," "confines," "adjacent", and "within the Straits", was the language employed in the Charter‡, in assigning its limits, and that even this fractional part was expressly laid down therein to be regarded, "as one of the plantations or Colonies of the crown" ; and because, among other reasons, the question which was raised by the respective claimants thereto was finally settled in 1821, when the Crown was authorized under the Act then passed to License, ANY Company, person or persons, to trade in those parts, and to reserve any section thereof for the erection of New Colonies at any time it should deem proper ; and the Crown actually did on the renewal of said License make reservation for any portion of the territories, as the correspondence which passed, shows ; and with the exercise of that right and that condition imposed, the Hudson's Bay Company received the License without a scruple.

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*In the Times of November 2nd. 1867, a notice appeared for "a General Court of the Hudson's Bay Company to be held in London on the 19th. inst. to elect a Governor and Deputy Governor for the ensuing year, in pursuance of the provisions of the Charter"; but there is no Charter in force, the only legal one having expired in 1859, and there has been no fresh renewal since.

If, Your Grace, the Government should think fit to take any of their posts, buildings or improvement for colonial purposes, compensation would naturally be made to them, in like manner as it would be done to other Companies or individuals, who also have their trading establishments in the land.

And although, Your Grace, I have endeavoured in these notes to state the whole case clearly and impartially, yet I would not be understood as wishing that any transactions should take place between the Government and the Hudson's Bay Company, or other parties out there, other than in the fairest spirit, and with the most liberal hand, and with that wisdom which would make the most of every existing element for laying the foundation and advancement of new Settlements; but, for *any* Company still to put forth territorial claims that were long ago renounced, and are utterly unfounded, and to ask the nation to pay them two millions of money or so, for land which already belongs to the nation, and thus constantly furnish obstacles against a Settlement, and thereby perpetually block up the country, is preposterous; moreover, it is derogatory to the splendour of the Crown, the honcur of Parliament, and the dignity of the Judges and Courts of the realm, and inflicts serious wrong on the subject, for *any* Company of trade, whether at home or abroad, and whatever its rank, to arrogate to itself and to exercise legislative, judicial, and executive functions without lawful Commissions under the Great Seal from the chief fountain of authority.

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‡Charter King Charles II. 1670.

If, Your Grace, the principle of assumption be once admitted, may it not be reasonably asked, what is the use of the Crown or of Parliament? And yet in real candour, do not these notes prove that the Hudson's Bay Company is found exactly in this situation? And if it be further alleged, that there are other trading firms, and persons engaged in agricultural pursuits out there, on British Ground, comprising

Americans, Natives or Canadian half-breeds, who of themselves do appoint their own Magistrates, and constitute their own courts, and in so far follow the example set them by the Hudson's Bay Company, may it not further be asked, does this widening of the assumption either lessen the evil or form an adequate set off thereto? Or is the greater to be tolerated, and the less to be put down, and fresh data to be afforded for the renewal of the promulgation of the sentiment of "one law for the rich, and another for the poor"?

Besides, Your Grace, these persons or communities out there† who assume to perform Magisterial powers, do so with their hands clean and free as to any penal bond against it, whilst the Hudson's Bay Company did tie their own hands, and those of their servants, not to occupy such a position, and to refer all such matters to the English and Canadian Courts. And in favour of the former it may also be urged that they have been prompted to it for self-protection, and in the spirit of setting up a sort of provisional Government for the time being till Her Majesty shall establish an elective form of Government for which they have again and again sent their Petitions across the great waters to the British Authorities.

Finally, I will only beg leave to trouble, Your Grace, with one other utterance of opinion that, if the Settlement of this question be long delayed, not only may there be the increase of subjects across the line from the United States, which the spirit of advancement there, and the treasures in this fine country may alike contribute to bring about, leading to the formation of Settlements and the exercise of Magisterial jurisdiction assumed by themselves, things calculated to weaken Canada and British Columbia, when by judicious and timely legislation both might be strengthened and the entire frontier made impregnable so as to resist effectually Fenianism or hostile attacks from any quarter‡, but that also a state of things may hereafter be brought about, which may perplex the English Cabinet and tax the counsel of British Statesmen to the utmost, if not involve our country in the fiercest, saddest and most sanguinary of wars, to say nothing of jeopardizing the existing Christian Settlements by past and present collisions and outbreaks, and by the continuance of a condition of things bordering on Anarchy.

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†To wit, Portage la prairie.

I have the honour to be,
My Lord Duke,
Your Grace's Most Obedient and Humble Servant,
Griffith O. Corbett, Clerk, M. D.

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‡Several times the frontier has been endangered by Fenianism, and at this date it is still threatened.

INTRODUCTION.

The writer of these sheets was sent out in connexion with the Foreign Mission work from England to Montreal in 1851, and in the following year he was despatched thence through Canada and the States viâ the Mississippi to the Red River Settlement in Rupert's Land. In the year 1855 he visited England, and in 1857, he gave evidence before a Select Committee of the House of Commons on the condition of the Hudson's Bay or Indian territories[*]. In the same year he returned to the Red River Settlement viâ the Hudson's Bay. An account of his Missionary tours appeared in the Hampshire Chronicle and is annexed in Appendix K. And during the whole of his residence in those regions, besides pursuing his avocation as a minister and Medical Missionary, he pursued one unvarying course, as occasion called for it[||], of associating with every movement in the land which was calculated to impart correct information to the British public and to the British Government on the condition of that long neglected and down trodden country. He has traversed that land from Hudson's Bay up to the sources of the Red River, which comprises a distance of over 1000 miles in the heart of that Continent. And in 1862, as it was believed several unfounded reports were abroad as to the practicability of opening a road between the Red River and the Lake of the Woods to establish communication with Canada viâ Lake Superior, he responded to a wish very generally expressed to unite in forming a party to explore that section of the country, and to trace out any eligible sites for Missionary operations. Accordingly, a party consisting of five persons, each having a horse, and each carrying his own axe, gun, ammunition, chart, compass, and other light equipments, started on this expedition; and after passing over about 25 miles of fine prairie land, they entered, and pierced the Great Forest for between 50 and 60 miles till they reached the neighbourhood of the Lake of the Woods, frequently cutting a track to pass between the trees; and then they returned without any accident, save some of their clothes torn to shreds, with the most satisfactory report as to the great ease of laying open a road along that line of country, which may be seen from the subjoined account of his Lecture thereon:—

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[*] See his evidence in the Blue Book, Hudson's Bay Company 1857 pp. 137—150. [||] See his Letters in the Nor-Wester, and the Buck's Chronicle, and other public documents, and his Missionay Map 1857, &c.

"The Lake Superior Route"

"On Wednesday Evening last the Rev. G. O. Corbett gave a lecture at Headingsley, descriptive of that Section of the Lake Superior Route, which lies between this Settlement and the Lake of the Woods. His lecture was illustrated by diagrams of the country, which he himself had drawn on canvass, which enabled his audience to follow him with ease in his graphic and interesting sketches. We had the pleasure of listening to his valuable address, and were more forcibly than ever impressed with the fact that the road to the Lake of the Woods can be easily made a good one. The Rev. Gentleman stated that he had been over both the Hudson's Bay, and the St. Paul's lines, and that neither of them was so good as the one he had just passed over, even in its present condition. We are happy to have this valuable testimony in favour of the route§", &c. Immediately after this, certain circumstances transpired, which eventually obliged the author to revisit England, and during his second sojourn in this his native land, his attention has been most closely drawn to the condition of these territories; and still finding considerable lack of knowledge respecting these immense regions, and entertaining a fervent desire for England to do her duty towards one of the oldest and largest colonies of the British Empire, he has compiled the following notes on the history, law, and resources of those parts, in the hope that they may be useful to all, and assist those who are in high station or authority by helping to place them upon proper vantage-ground on the questions in hand; and likewise excite interest among those who are blessed with leisure and means, and induce them to contribute their substance, weight, and influence to spread Christianity all over that continent, and to promote Christian colonization and

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§The Nor-Wester Nov. 1862,

Christian Communities under legal and proper Government, from one end of the land to the other.

In these papers, it will be seen, as if specially prearranged by Divine Providence, that, along the line of route proposed to be opened between Lake Superior, Red River, and British Columbia, there are exhibited four|| most important valleys suitable for the foundation of flourishing Settlements and colonies, namely, the Kaministaqua, the Rainy River, the Red River Settlement, and the Sasketchewan. Here are four most eligible tracts of country, exactly in the line of communication, eminently fitted for instant occupation as centres of light, and civilization, and colonization. Let then the Government and the Christian church conjointly seize these spots, and set the requisite machinery in motion, and the means of easy traffic and rapid mail communication will soon be established between Lake Superior and the Red River Settlement, and thence to the Saskatchwan, and to British Columbia. The Frontier would then be duly secured either against aggressions from the South by the subjects of the United States or a descent from the North from that portion of the country which till recently was denominated Russian Territory in America,—the grand overland route would be opened,—

||There are other most inviting sections, but the above four are like so many vast pillars for this overland-bridge, containing all the elements for future Kingdoms.

facilities would be created for Her Majesty's subjects to hold direct intercourse and trade with the mother country through Canada or Columbia instead of being obliged as at present to pass out viâ the United States or round it, or spend the produce of their capital in that country thereby enriching a foreign kingdom,—a line of depots wonld be formed, and resources in the existence of Christian Settlements would be developed, whence to draw all needful supplies and assistance for further discoveries in those vast regions, and for overtaking the same with Christian Settlement and for the spread of light and knowledge to the remotest sections of that continent. The writer has conversed much in the country with those who are acquainted with Rainy River and those parts, and he believes it to be as described herein; and he has also seen and handled the gold, both as mixed with Sand and as separated from it by Quicksilver, which has been discovered on the Saskatchewan; and from the accounts given him of other wealth‡ in that country, he has no doubt, that if Great Britain does not at once energetically step in, difficulties will spring up between us and the United States||, and we may lose those magnificent parts just as we lost the richest portion of the Red River valley when the last boundary line was run, which would involve the further disadvantage of having a foreign power occupying the large area between Upper Canada and British Columbia. Divine Providence has committed that extensive country to our trust for the very high-

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‡It is singular to notice that whilst the writer is finishing the above passage a paper from abroad reaches him with the intelligence, that the Hon. Mr. Ramsay, a member of the U. S. Senate, has just proposed to the Committee on Foreign Relations, that the Indian or Hudson's Bay territory should be incorporated into the Union: "that Canada with the consent of Great Britain, shall cede to the United States

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the districts of North America west of longitude 90 degrees on conditions following ***, and that the North-west Territory shall be divided and organized into Territories of the United States, not less than three in number, with all the rights and privileges of the citizens and Government of Montana Territory, so far as the same can be made applicable".

Nor-Wester Jan. 19. 1868.

And as showing the further attention of men's minds to this country it may be mentioned that in the same number of the above journal are a series of resolutions which the Hon. W. Mc. Dougall has submitted to the Canadian Legislature to stimulate action in regard to the aforesaid territory.

||The author also brought over with him a specimen of what a native found in great abundance in one part, and submitted it to Professor Miller, King's College, London, and he pronounced it to be Nitrate of Potash. The natives also assured the writer of the existence of many precious, sparkling stones.

est of purposes, and if we prove unfaithful to that trust, we may look for the manifestation of the principle of the Divine Government in dishonouring us by taking it from us, and handing it over to others, who may prove a thorn in our side. During the last ten years, the writer is aware that it has been circulated,—'a new H. B. company has been formed which will infuse new life into things—the overland line talked of is to be opened—Canada has undertaken the enterprise and commenced the work—and to questions put in the House of Commons the answer has been returned—Her Majesty's Government hopes in the next Session of Parliament to bring in a Bill to lay the foundation of a satisfactory measure*, &c.' And in this way there has been the steady postponement of any really practical or effectual action in the matter. And the writer believes it will be but failure, if not utter defeat, to trust to any in this business. and that nothing short of a bill passed by the Imperial Parliament, erecting the requisite machinery along the line of route singled out, with powers for the complete opening of that country, will ever constitute adequate strength and means for it. And why should not this be done? The ground is clear for Parliament to walk in and parcel the territory out as to it may seem good†. If any one has a claim to proprietary rights, it is the Aborigines and natives, and these they have again and again preferred at the Colonial Office§, and they might be most easily adjusted on the principle followed in the United States, for in all their treaties Reserves are held and guarded for the poor natives, and some portion of the Annuities for great tracts of their country is expended in rendering them aid in the shape of carpenters and blacksmiths in laying the basis of Indian Settlements; and in so far it furnishes useful auxiliaries to the Missionaries in rearing Christian settlements. In conclusion, although we have held this Indian country for about 200 years, and boast ourselves as being superior to the Americans, yet we have never entered into such a lawful treaty with the Aboriginies and natives out there. And then as to the Hudson's Bay Company their License expired in

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*Some two or three years back a deputation attended at the Colonial office headed by the Noble Earl of Shaftesbury urging the Government to legislate for this territory as it was practically without any Government, and on June 13th. inst. the question was renewed in the House of Commons. Sir H. Verney Bart., the Hon. A. Kinnaird, Lord Milton and other members taking part in the debate, and complaining of the perpetual delay in the matter, and the unsatisfactory answer was made of again referring to correspondence with Canada, &c.

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†It has the facility for opening that the population of natives, is very thin, less than the rate of 500,000 to 500,000 Square miles! §See Appendix Blue Book 1856 p. 439.

1859, when all their powers wholly ceased, for in 1821 it was decided by the Imperial Parliament, not only that the Queen's Courts should have absolute jurisdiction in all criminal and civil offences and causes throughout the entire territories, and that no person should be a legal officer for the smallest cause, or the smallest offence except under the Great Seal, but likewise in perfect harmony with this, it was also decided at the same time by the Legislature that, the H. B. Company could only hold their powers under the License in virtue of the Act then passed, which comprehended all the capital, and all the trade, and was made applicable to all their servants, and therefore, to all the country wheresoever they might trade, or be situated with their posts in those regions.

N. B.—Since ascertained that said Company is not Registered under the Act.

CHAPTER I.

Notes on the History of Rupert's America or the North West Indian Territories.

America was discovered by Christopher Columbus in 1492. Canada was first discovered by the celebrated Venetian navigator, John Sebastian Cabot, in 1497. In 1525, Canada was visited by Verazani, a Florentine, who took possession of it for the King of France. In 1535 it was explored by Jacques Cartier, who bore a Commission from Francis I.*, and penetrated as far up the river St. Lawrence as Montreal, then called by the Indians, Hochelaga. After the survey of Hudson's Bay by Cabot in 1512, it was re-discovered in 1610 by Henry Hudson, an English navigator, who was trying to find a North West passage‡. Meanwhile the French had colonized Canada, and thence carried on an active fur trade with the Indians inhabiting the country West of Hudson's Bay; and in 1598, Letters Patent were granted by Henry IV. of France, to Sieur de la Roche, appointing him Lieutenant Governor over the countries of Canada, Labrador, and Hudson's Bay, &c. And in 1627, a French Fur Company was established under the immediate auspices of Cardinal Richelieu,[†] and was styled, "La Compagne de la Nouvelle France". And to this company a charter was granted by King Louis XIII. conveying the whole trade by land and sea from the River St. Lawrence to the Arctic circle. A copy of this Charter will be found among the Parliamentary papers of Lower Canada. L'Escarbot thus describes the boundaries: "Ainsi notre Nouvelle France a pour limites du côté d'ouest les terres jusqu'à la mer dite Pacifique, au deçà du Tropique de Cancer; au midi les iles de la Mer Atlantique du côté de Cube, et l'ile Hespagnole; au Levant, la Mer du Nord qui baigne la Nouvelle France; et au septentrion cette terre qui est dite in connue vers la mer glacée jusq'au Pole Arctique"[||].

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*Work in the Colonies 1865 by S. P. G. ‡Do.

In 1630, a Canadian Beaver Company was formed, and carried on considerable trade in furs with the Indians; and in 1632, by the Treaty of St. Germains-en-Laye, King Charles I. of England guaranteed to King Louis XIII. of France, the Sovereignty of Canada, Nouvelle France[*], &c. In 1668[‡], a party of English Traders, under the guidance of two French officers, who had quarrelled with their own Government, founded a factory on the South of Hudson's Bay. And in the same year, Prince Rupert sent out a vessel, which was the occasion of erecting fort Charles, on James's Bay; and this was the origin of the Hudson's Bay Company, who received a charter from King Charles II. under date 1670. Thus there were now two elements or parties in the field ere long to come into sanguinary conflict§. By the treaty of Ryswick in 1696, the whole of Hudson's Bay was re-occupied as belonging to the Crown of France, and by the Treaty of Utrecht in 1713, a portion of the shores of Hudson's Bay was ceded to England, and that was the first time the English Crown could claim undisputed possession in these parts*. And even in this treaty stipulations were made to continue the privileges of the Company of New France, who had traded under their Charter in Hudson's Bay since the year 1626. In 1759, the war broke out between the French and English, and was terminated by the capture of Quebec, under General Wolfe; and in the treaty of Peace, in 1763, when Canada was ceded to the British Crown, the French Canadian people became British subjects, and were also guaranteed in their rights and privileges, and trade, all over the country, including the Red River and the Saskatchewan valleys, where traders resident in Montreal had completed establishments as early as 1766, and large numbers of French traders must have occupied many of the same localities one hundred years prior to the aforesaid Treaty of 1763, when, by the treaty of Fontainbleau, Canada was added to the British Crown. Indeed the whole region of country extending Westward to the Pacific, and northward to Hudson's Bay, had remained in the undisputed possession of the Crown of France for a period of two centuries, and was known as, New France*. In 1766, numerous British Traders, animated by the cession of Canada to England, pushed their enterprise throughout the whole of British North America, trading from Montreal to Hudson's Bay, and to the Pacific shores, pursuing the old routes of the French Traders. And in 1783, several trading companies, the Courieurs de Bois‡, and the Scotch and English Traders, blended their interests and became a great Association under the title of, "The North West Company". This Society had its head quarters in Montreal, and possessed a capital of £40,000, which increased threefold before the end of the century. And so great was the influence of the various trading associations long prior to this, and so defective did the Hudson's Bay Company feel their charter of 1670 to be, that they petitioned the legislature to pass an Act to confirm their charter. And the House of Commons sanctioned its confirmation by an Act to be in force for Ten Years, but when it reached the Lords three out the ten were struck out, and the Act finally became law, "for Seven Years and no longer"†. This, however, did not diminish the spirit of trade and enterprise, on the contrary, it widened and consolidated, and in 1697, the Hudson's Bay Company failed in getting a renewal of the Act, and ever afterwards they continued to trade on their unconfirmed charter. Indeed, so little was their influence, compared with the French and other traders, that from the Treaty of Ryswick in 1696, to the treaty of Utrecht in 1714, almost the whole of the Hudson's Bay Territory was held by the French traders. The Hudson's Bay Company do not appear to have had a single fort in the whole country, except Albany§, and for more than half a century after their existance as a body, all they did was to establish four or five forts on the shores of James's and Hudson's Bay, while the Canadian North West Company carried their enterprise so far as even to psss the Rocky Mountains, and open the rich country of Columbia; and in 1793, McKenzie, one of its Officers, pushed his way through the Northern defiles of the Rocky Mountains, and reached the Pacific Ocean* in North Latitude 52°. And although the "North West Company" had to contend against another rival association, yet, in 1805, it could point

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[†] Fitzgerald on Vancouver's Land and the Hudson's Bay Company p. 37. See his work generally. [||] Bouchette note p. 3. [*] B. N. A. by R. T. S. p. 244, &c. [‡] Fitzgerald p. 39.

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§See a minute sketch of this in the work on B. N. A. by R. T. S. p. 244—48. *Fitzgerald p. 43.

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*Blue Book of 1857 on the Hudson's Bay Company, appendix p. 135. ‡Search of Sir J. Franklin p. 55—449. See also A. Simpson's Search, & Ross on Red River, and his Columbian Adventures.

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†Appendix D. §Blue Book 1857 (Dawson's evidence) Appendix p. 394, &c. *A. Ross, Adventures in Columbia, and A. Simpson on Oregon territory.

to several trading posts as far distant as the upper waters flowing into the Pacific. In 1804 said rival association coalesced, and immediately the North West Company, started trading posts in several places west of the Rocky Mountains, and a descent was made in 1808, to the Pacific Ocean, by Fraser's river, in North Latitude 49°; whereas, for a period of nearly 150 years after the charter of Charles II. 1670, the Hudson's Bay Company's traffic did not extend to the Rocky Mountains, nor did they trade so far or their agents occupy any of the Indian country about Lake Winipeg or the Red River until a later period. By the cession of Canada, their position was somewhat improved, and in the course of time they advanced beyond the shores of Hudson's Bay towards Red River*, and the Saskatchewan; and the progress of events gradually disclosed their purposes. Advancing to greater trade and prosperity, they seem to have become elated, and commenced to assert the privileges of their defective charter against the "North West Trading Company". And in 1811, the H. B. Company made over to the late Lord Selkirk, one of its energetic directors‡, 16,000 Square miles of land, on the Red River, right in the main road of the line of depots and traffic of the "North West Company" of Montreal whose route thence lay by way of Lake Superior to Montreal. And writers remark, that, this was not the plan of a feeble mind. Settlers were imported as if simply to colonize, and a grand depot was then formed to meet the demands of their own plans of trade, and enable them with greater ease to cut off the supplies of the North West Company's agents. The privileges of the charter were asserted by the H. B. Company's agents, and Captain Mc. Dowell was appointed at Red River under the title of "Governor", and in 1814, he issued a proclamation, and seized some of the supplies of the "North West Company's" agents, and a sort of civil war commenced all over the country; and at Churchill, in north latitude 59° the Agents of the "North West Company" retaliated, and at Red River in 1815, Governor Mc. Dowell's establishment was burnt to the ground, himself made prisoner, and Mr. Warren killed. And P. Bourke* was conveyed prisoner from Red River

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*During the trials in 1818 in Canada, Hon. Mc. Gillivray gave in evidence that the H. B. Company had no agents in those parts for several years after he had been engaged in the trade there for the North West Company. (Blue Book 1857, Appendix p. 378).

‡Eminent Counsel have given opinion that said

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grant was invalid. Hence the lands the H. B. Company have sold to Settlers at Red River is an illegal sale, and the H. B. Company may be sued in the Queen's Courts for the money, and the interest thereon which Settlers have paid, and the Company may be otherwise actionable for the offence. This also shows the insecurity of Settlers.

*A. Ross on Red River, late a member of the Council, a Magistrate, and Sheriff there.

to Fort Alexander, and kept in close confinement, and was afterwards dispatched to Fort William, on Lake Superior, lodged in gaol at Montreal for three days, and for want of evidence was liberated, but after returning to Fort William, he was again arrested, and tried in the court of King's Bench in Canada, and acquitted. Proceedings were instituted by the late Lord Selkirk against the employée and partners of the "North West Company", who had resisted the pretentions of the Hudson's Bay Company, and in consequence, a battle was fought in the Frog Plains, at Red River, in which twenty one lives were lost, including Governor Semple, Mr. White, his Secretary, and others of the Hudson's Bay Company*. Lord Selkirk had hired one hundred men from Montreal, and on arriving at Fort William, the head quarters of the North West Company, he seized that establishment. A Commission of inquiry was now appointed, consisting of Colonel Coltman and Major Fletcher, who were sent from Canada, invested with full authority to commit the guilty of either side for trial before the Canadian Courts, and in reference to these disputes between the Hudson's Bay and North West Companies, the Governor General of Canada received a despatch from the late Earl Bathurst by order of His Royal Highness, the Prince Regent, under date February, 1817, in which the following occurs: "You will also require under similar penalties the restitution of all forts, buildings or trading stations, with the property they contain, which may have been seized or taken possession of by either party to the party who originally established or constructed the same, and who were possessed of them previous to the recent disputes between the two Companies. You will also require the removal of any blockade or impediments by which any party may have attempted to prevent or interrupt the free passage of traders or others of His Majesty's subjects, or the natives of the country, with their merchandise, furs, provisions, and other effects, throughout the Rivers, Lakes, Roads, and every other usual route or communication heretofore used for the purposes of the fur trade in the interior of North America; and the full and free permission for all persons, to pursue their usual and accustomed trade without hindrance or molestation"; and in conclusion, the same object is insisted upon: "The mutual restoration of all property captured during these disputes, and the freedom of trade and intercourse with the Indians until the trials now pending can be brought to a judicial decision, and the great question at issue with respect to the rights of the two Companies shall be definitely settled*". In accordance with the early occupation by the Canadians of the Hudson's Bay

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*A. Ross on Red River, late a member of the council, a Magistrate and Sheriff there.

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*Blue Book on Hudson's Bay Company 1857 appendix p. 395.

Territory, and the Indian country generally, not only did the courts of Canada take cognizance of causes relating to those regions, but it is very interesting to trace that concurrent with the growth of the Canadian and British traffic in those parts, the Imperial Parliament passed an Act in the 43rd. year of the reign of King George III. in 1802* extending the Jurisdiction of the Courts of Canada to the remotest portions of said territories, making all parties, whether

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*It is very interesting to notice in tracing the history of these Acts that, in 1690, the H. B. Company's charter was confirmed by an Act passed to be in force for seven years; that this Act not having been extended, and therefore the charter not having been renewed, that country remained destitute of said Jurisdiction, and hence the necessity of passing the aforesaid Act 43 Geo. III. c. 138, for so it declares in the preamble that it was not at present "cognizable by any jurisdiction whatever", the Imperial Parliament then legislating, as if no charter, and consequently, no jurisdiction under it existed; which Act was furthur extended and consolidated, after every effort was made to the contrary, by the next Act passed 1 & 2 Geo. IV. c. 66. Sec. V. investing the Queen's Courts of Canada with exclusive jurisdiction in both civil and criminal causes throughout the length and breadth of the land, and simply recognizing the new Hudson's Bay Company on the footing of a License of trade for a term of years.

Hudson's Bay Company's agents or others, accountable to said Courts; "The Act to be in full force within any of the Indian Territories beyond the provinces of Canada, or in other parts of America not within the limits of the Uuited States". And many of the Trials then pending, to which the late Earl Bathurst alluded in his dispatch, and the aforesaid commission of inquiry were held, in virtue of the tenor of that Act. Some of the Trials were for murder, some for arson, robbery, and high misdemeanours; and some of the parties were prosecuted as principals, and some as accessories, and several ot the trials took place in Toronto, then called the town of York, in 1818; and resulted in the acquittal of all the parties, on all the charges, though it was not denied, that some of them had been in the battle, in which, however, they contended they were in defence of their just rights. Some of the trials also took place in the ordinary course of procedure, inasmuch as it was entertained, that many of those distant parts, where the offences had been committed, during said disputes, were within the boundaries of the Provinces of Canada, and so could be legally disposed of without resorting to the special Act for the Indian regions beyond. And as respects the Canadian Jurisdiction Act 43 Geo. III. c. 138 over the Indian territories, it is recorded, that in May 1818, Charles de Reimhard was tried at Quebec, for murder committed in 1816, on the river Winipeg.

Exception was taken to the Jurisdiction of the Court, on the ground, that the locality was not in the Indian Territory, but within the limits of Upper Canada, but the court overruled the objection, and held that the place in question was within their Jurisdiction. The Court, the Attorney-General, and the Counsel for the prisoner, alike concurred in the fact, that, the River Winipeg, was a part of the country previously belonging to France, and ceded by the treaty of Paris, in 1763; and at no stage of the proceedings was the question of its being a part of the Hudson's Bay Territories for a moment entertained. The prisoner in this instance was found guilty, and sentenced to death, but as there was a reference to the Imperial Parliament, execution was delayed, and he was ultimately released. Respecting these trials, one or two points of interest may here be noticed. During said trials the following passage occurs in one of the charges of the Chief Justice: "Mr. Attorney-General has put in evidence the latitude and longitude of the Frog Plains, but does not put in evidence whether this latitude and longitude be within or without the Boundaries of Upper Canada; I do not know whether from 90° to 100° or 150° form the limit of Upper Canada", in other words, the Court could not affirm that Canada had any western limit, and the court was right, for no limit had ever been assigned. And absolute evidence existed so far as to prove, that the Province extended beyond the Lake of the Woods, without fixing how far beyond, but it was not the duty of the Attorney-General to quote it, because he was prosecuting for a conviction as directed by a Special Commission from Lower Canada, under a particular Act. An acquittal, however, of all the parties rendered any special verdict unnecessary. And it is worthy of note, that the question raised was solely, whether the Scene of the outrages at Red River, was in Canada, or the Indian territory, and not whether it was in Canada, or the Hudson's Bay territory. The latter alternative was not even entertained, and was almost entirely ignored on the trials, as manifestly too absurd to to make a stand upon it. And the case for the defence was based upon a Justification of resistance to the assumed authority of the Hudson's Bay Company, whose preposterous pretentions in clothing their agents with commissions and titles, as "Governors", "Majestrates", and "Sheriffs", &c. at Red River, and elsewhere, were treated with ridicule, without detracting from the individuals; and the judgments of the courts were recorded against them. And we find that in Feb. 1819, in the city of Toronto, William Smith, under Sheriff of the Western District, obtained £500 damages against the late Lord Selkirk, then at the head of a large armed force, for resisting him in the execution of a Writ of Restitution, founded upon a verdict obtained at Sandwich, Canada, in 1816, and resistance also to a Warrant for his Lordship's arrest. At the same time, Daniel Mc. Kenzie obtained £1,500 damages for forcible detention by Lord Selkirk. Criminal proceedings also were instituted, and a bill of indictment was found against the late Lord Selkirk himself, and the leaders of his party, for their illegal transactions in the Western Territories, and on the waters flowing into Lake Winipeg*.

Finally, the two rival companies merged into one body. And the Act 1 & 2 George IV. cap. 66, was passed, in 1821, by the Imperial Parliament, which completely ignored the pretentions of the Hudson's Bay Company, and was framed expressly to remove the possibility of doubt on the question of the Jurisdiction of the Courts of Canada over all those remote regions, and to set at rest the rights of the respective claimants, and thus, in point of fact, the very highest authority in the British Empire, actually consolidated the Canadian claim and influence in those parts. And instead of leaving this or that company or any person or persons in the future, to put forth this or that pretention or right in any part of said territory, the Act authorized the Crown to issue a License of trade to ANY Company, person or persons for 21 Years, requiring the holder of said License to pay a nominal annual rent to the Crown, and binding said party in the penal sum of £5,000 to send all causes and all prisoners for trial to Canada. And in virtue of this Act, the new Company, composed now, partly of the Hudson's Bay, and partly of the "North West Association", obtained a License of Trade, and entered into the required bond. And this constituted the New Hudson's Bay Company, upon the new footing of a License for a term of years, in which new position, they not only found themselves, and their agents and servants, and all the inhabitants in those regions clearly made amenable to the Queen's Courts in Canada or Westminster, but also binding said company and its agents, under the heavy penalty of £5,000, to transmit all prisoners and all causes to be tried in Canada*. Ere long, however, the old spirit, which, as we have seen, had already become conspicuous in putting forth pretentions, and in involving the country in blood-shed, it seems, reappears, bursts out, and spreads over the country, in spite of the dam raised by the courts of Canada, and backed by the recent Act of the Imperial Parliament, and although, it has now and then received sufficient warning to return to its legal and proper footing, yet, it has continued down to the present day to prosecute such a system‡ of trade, and to arrogate such authority and to exercise such powers, that not only are the express Acts and penal bond violated, but that also, as writers affirm, culminate in making, "the native a slave, and the Settler a rebel". And as if the Company had at first acted with some regard to their new obligations, and with some deference to said Acts of the Imperial Parliament, certain prisoners were at an early period sent to Canada for trial*, but in 1835, the late Sir G. Simpson, the Company's Governor, in one of his annual tours through the country, formed a Council at Red River, of which he became a member and President, and at which sundry laws were passed for the Government and the Settlement, said Council to be styled the "Council of Assiniboia", and to exercise judicial and legislative functions. And in keeping with this assumption, in 1836, the first petty jury was empannelled, and Dennis was convicted and flogged with difficulty‡; and in 1840, as if it were the gradual unfolding and completion of a definite scheme, the Company sent out an agent and gave him the title of, "The Recorder of Ruperts Land" to discharge the office of Judge, and to act as the legal adviser of the Company. Great dissatisfaction ensued, and in 1814, Colonel Coldwell A was sent out there with 200 pensioners, and he was armed with a Commission, signed B. Hawes, Colonial

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*Blue Book H. B. Company 1857 Appendix 395-7. (Red River also flows into Lake Winipeg)

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*In the Blue Book on the Hudson's Bay Company 1857, Sir G. Simpson admitted two cases had been sent to Canada in his time (Question 1040). And Questions 1390—91 bring out the name of one Creole le Graisse and his accomplices, who were sent to Canada for trial. ‡The only exception to this would be a Court of Record for minor causes under the Great

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Seal without which even such a court could not be lawfully held.

*See Appendix A & B. ‡A. Ross on Red River.

office, "to inquire into certain allegations against the Company of insufficient and partial administration of justice*". In 1849, the French, at Red River, rose *en-masse,* in this would-be Court against this Company's Judge in the cause of Sayer. v. said Company, for trading in furs, but fearing to carry forward their designs, he was set at liberty; and shortly after a scene of great excitement followed, in the cause of Foss-v-Pelly, the latter, it was believed, having been subjected to manifest injustice, and subsequently, Petitions were sent to the Houses of Parliament, and many persons of influence both in Canada and in England energetically sustained them, and a Select Committee of the House of Commons was appointed, and sat, and investigated the condition of these territories, which ended in taking Vancouver's Island, and the mainland west of the Rocky Mountains out of the Company's hands, and, in the bill introduced, which erected those parts into a Crown Colony under the name of, "British Columbia". And it also recommended that, on the expiry of the above mentioned License of the Company, the southern latitudes, known as, "the fertile belt", which stretches from Lake Superior to the base of the Rocky Mountains, should be thrown open to colonization, and placed on a like Status with that of the other Colonies of the British Empire. In the same year troops were sent from Canada to Red River, through Hudson's Bay, and some of the Company's agents, possibly supposing it afforded them some advantage, arrested one Mr. B—— who was engaged on an expedition of free trade, but, it seems, that his activity at head quarters soon secured his freedom.

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*Blue Book 1857.

About the same time the Canadian Government sent into those regions an exploring party, headed by Professors Hinds and Dawson, who eventually furnished a report most favourable on the fertility of the soil and the facilities for inter-communication. In 1859, Petitions were again forwarded to the Imperial Parliament, signed by the clergy and people, and another was also subscribed by the Bishop and Clergy, and subjoined is the body of the latter: "The Petition of the Right Reverend, the Bishop of Rupert's Land and of the undersigned Clergy aforesaid, Humbly Sheweth,—That we look with deep anxiety on the present state of things in this country and on the prospect of the approaching expiration of the Charter of the Hon. Hudson's Bay Company, begging leave to lay before your Rt. Hon. House the expression of our sentiments of the subject: That this country is in an anomalous* condition wholly different from all other parts of the British Empire, without a Governor subject to the control of the Crown, the present Officer being appointed by, and subject to, the H. B. Company, that the law has been administered by a Judge, appointed by, and subject to, the control of the said H. B. Company; that the present legislative body, called the Governor and Council of Assiniboia, are nominated exclusively by said H. B. Company, and are limited in their proceedings and actions by the provisions of said Company's Charter; that we cannot fail to notice a growing dissatisfaction in the minds of the people with regard to the above state of things; that free Emigration to other countries, as Australia and Canada, has been assisted from time to time by Parliamentary Grants, no such help has ever been extended to this land, although there is a large country to the south of the Saskatchewan and Winipeg rivers, which might afford a comfortable home and easy subsistance to large numbers of our fellow countrymen, that we have felt much encouraged by the legislation of the last Session of Parliament, in which the country west of the Rocky Mountains was admitted to the full privileges of a British Colony, and has already received from the Crown, a Governor, a Recorder, and a Commissioner of Lands and Works: We respectfully crave the same privileges, in the humble hopes, that the desires of Her Gracious Majesty* may thereby be fulfilled, and that this Continent in an unbroken line, may be peopled by Her loyal and obedient subjects. We therefore pray, &c.

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*See Appendix F. G. H. & J.

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*The Queen had been pleased to make an allusion to this route in Her speech on the opening of Parliament.

And soon after this, two enterprising and talented gentlemen, Messrs. Ross and Coldwell, arrived from Canada with the materials for starting a Newspaper at Red River, under the title of, "The Nor'-Wester", which excited great curiosity in that remote part of the world, and received in due course its share of censure from many of the agents of the Company for registering the facts, and reflecting the opinions of the people in those territories. Moreover, close upon these events, a new Governor and Recorder arrived at Red River from the Company, and in a little while, one of the fiercest contests arose which had happened since the days of 1816. The Governor, Recorder, and all the Company's people sought to uphold and enforce rigidly the Company's assumed rights and laws over all persons. Petitions, and counter-Petitions; public meetings, and counter-public meetings were held; and finally, a Petition, earnestly praying for a redress of grievances, was signed by the great majority of the people, and transmitted to the Colonial office in 1862. And during this sharp conflict, persecution was dealt out with a high hand against those who had taken prominent part in advocating said petition to Parliament; one, an English clergyman*, was imprisoned, and after a large memorial, which had been presented to the Governor for his release, was refused by said Official, his congregation went in open day, and burst open the Company's prison, and conveyed him back to his Station. Another, was a Scotch Schoolmaster, who had taken part on the same side, and joined in the Release, and he was arrested by the Company's Sheriff, and one of their constables, and closely confined in their gaol; whereupon, an armed cavalry arose, and advanced before Fort Garry Gates, and deputed their Captains, Messrs. Hallette and Bourke, to wait on said Governor for said prisoner's release, and to drop this kind of policy, but, on their being met with his deliberate refusal, the armed force, arranged themselves in order, with their guns pointed, ready to die in the maintenance of what they believed to be right, cleared aside the outer stockades, burst the prison doors, and gave freedom to its captives; a series of public meetings instantly succeeded, pledging a general arming of the population in defence of said Release, and of the legitimate ground on which they considered they stood. And before this fire of public opinion the Company's agents quailed and reluctantly gave way. Another step in the same direction on the Company and its partisans would most likely have involved the Settlement again in bloodshed, and the country would have presented afresh the scenes of 1816, which, with the decisions already against them by the Courts of Canada on that occasion, and after the binding obligations in the present License, must have made them the less excusable, and the more heavily liable before the competent tribunals and the authorities of the Crown. The dangers and difficulties which extended to, or threatened others, did not free the situation of the Editors of the "Nor'-Wester" in like manner, from peril, and an early opportunity offering, they sold out, and went down to Upper Canada, where they still reside, and enjoy the exercise of unfettered freedom. D. Schültz, the present Editor of that Journal, however, is now speaking out in plain terms, and keeping up the Protest, which has ever been made against the aforesaid anomalies and the refusal of the Company's assumed Legislative Council, in sitting with closed doors against the reporters of the Press*.

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*And the position of another was placed in great peril, he had before this lost his salary for signing a Petition for removing the grievances in this country.

Finally, the foregoing facts demonstrate the urgent necessity for effectual and immediate Imperial Legislation for the whole of that Territory, and as said Company's License has recently expired, a fitting opportunity is now afforded for it.

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*It is striking that on finishing these sheets, tidings of a fresh outbreak reaches the writer, direct from Red River, in announcing the imprisonment and forcible release of Dr. Schultz, the present Editor of the Nor'-Wester there, as follows:—

"Once more the doors of the H. B. Co's Prison have opened to the persuasion of an oaken beam handled by the stout arms of men who were as careless of the frowns as of the favours of that august H. B. Company—The case occured thiswise. In one of the

Quaterly Courts, Judgment was obtained against Sheriff Mc. K. for a sum of money. Being Sheriff, he paid half, and succeeded in cajoling the simple minded agent of the Plaintiff, into bringing an action against Dr. Schutz. his former partner, for the other half. By some artful dodging, a Judgment was obtained against the Doctor in his absence, and his application for a trial of the case before a jury, was disregarded by our Hudson Bay Judge. The Dr., thus treated, refused to pay unless a trial was given and the agent of the Plaintiff, feeling probably the injustice of the position, would not push it. The Sheriff meanwhile caught in England, pays the other half, and then follow the events of Friday.

At nine on the morning of Friday, the Sheriff with a posse of constables entered the trading house of Dr. Schutz, and the Dr. appearing, a demand was made by Mc. K. for the immediate payment of the sum. Dr. asked to see his authority for its collection, which Mc. K. refused to show, and said that he must seize the goods. Dr. said that none of his property should go without the evidence of proper authority. The Sheriff then declared every thing seized, and directed the constables first to take out a pair of platform scales, which they proceeded to do, until stopped by the Dr. who then proceeded to secure the door which had been opened by Mc. K. The Sheriff then laid hands on the Doctor, but was thrown over on some bags (not struck) and on rising he directed the constables to arrest Dr. Schultz for an assault on the Officers of the Law. The Dr. told him that he was willing to be arrested, but not willing that his property should be removed. The Dr. then gave himself up and offered no resistance, till very rudely taken hold of by two constables when he threw them off (without striking) and then Mc. K. calling on all present to assist, declared that the Doctor must be bound, and directed one of the constables to bring a rope. The Dr. said that was unnecessary, but that he would submit to be tied so long as no indignity was offered. The Dr. then held his arms to be tied, which was done by the constables, without opposition. Mc. K., however, then began tightening the rope till the effect was painful, and being warned to desist. he refused, and so was again thrown over by the now tied Prisoner. After this there was no resistance, and the Dr. was hurried off in a cariole without being allowed to put on his overcoat. Dr. Cowan was sent for, but shirked the case, and sent for Goulet.

While waiting for the arrival of Goulet, Dr. Schultz requested, as there were a number of constables present, that the Court House doors should be locked, and that he should be unbound long enough to write a note to his wife, who as yet knew nothing of his case. This was refused, and the effort of writing while in this bound condition caused so much pain that by a violent effort one arm was freed, which Mc. K. perceiving, made a rush, but was met and floored, the other constables then joined their efforts and the prisoner was crushed down by Constables, Jailor, and Sheriff, till a clothes-line was procured which was tied and pulled till the blood gushed from the arms of the now helpless Prisoner.

Goulet arriving, after a consultation in the Fort, proceeded to hear Mc. K.'s charge of assault on the Officers of the Law. Goulet then proceeded to commit the Prisoner, it being then about four o'clock. Thrust in and locked up, no food, and no fire, the Dr. was left to reflect on the vanity of human things generally, and on the belief in the rights of a peaceable man to his liberty in particular.—So ended the first act.

A ludicrous interlude occured before, the closing scene, Constable Mulligan was left in charge of the now seized goods in the Dr's. store, and when Mrs. Schultz, wished to barricade it against the Sheriff, Mulligan refused to go out, so was nailed and spiked in, where he remained till late at night, when hungry and half frozen that "hirsute hero" humbly petitioned to be "let out" and emerged, alternately cursing the Law, Mc. K., and seizure generally.

Dr. Schultz was locked up at Four o'clock, and before night-fall the news had spread like wildfire. Angry men sped their horses to the Town, where they met others as excited as themselves earnestly discussing whether to break open the jail at once, or wait till morning brought its hundreds to assist, but the news that the Doctor's wife had been refused admission to him by the Fort authorities, decided the question at once, "the Doctor must not stop even one night under this accursed roof". In the meantime Mrs. Schultz had been granted permission by the Sheriff to take some food to her husband, and remained with him till the noise of many slay bells announced the glad tidings of release. First a party at the door, to obtain peaceable entrance, then a request from the Doctor to let his wife out of the inner door of the Prison, then a rush of the Doctor himself who grappled with the constables who were barricading the door, then the upsetting of the jailor and the bolts drawn by the Doctor's wife and then as the expectant crowd saw the attack on the Doctor within, came the heavy thump of [illegible] oaken beam, soon the crash of breaking timbers, and then the loud hurrah, with maledictions on Mc. K. and the escort of the Dr. to his home.

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It is well to know that no disreputable characters were among the party. When the constables, of which there are said to have been six with eight "specials", ceased to resist, the Victors ceased their efforts, and no violence was used but the breaking of the door, and the marks of a clenched fist on one of the special constable's face would not have been there had he not rudely assaulted Mrs. Schultz in in her endeavours to draw the bolts."

In connexion with this case further news has just come to hand that the Company's judge having ordered the Sheriff to pay certain costs, he told said judge and bench he had the money and would keep it, and took up his cap, and bade them good morning!!

Another issue of the Nor'-Wester, which has just come to hand, contains a satirical Petition of which I here give the substance :—

"It dares to insinuate, that the royal and patriotic demonstration at the Government Palace when three hundred S. C's, were sworn in, was a Farce, and that the money which you were pleased to disburse among us on that day, was so much of your donorable pap or pottage given to us as an equivalent for our birthrights; and that said dish of pap cost the people £150 in the cooking.

It expresses great anxiety relative to the monies collected from them by your Honourable Government, and suggests that the people should hold you responsible for the manner in which you expend said monies.

That you should at once appropriate a large portion of the public funds to the purpose of building a new Prison of stone and iron, to be well fortified with cannon, so as to ensure the safety of all prisoners to be hereafter incarcerated therein.

Therefore, we your most dutiful servants beseech your Lordships to at once grant us all the releif in your power by frowning upon, and discountenancing the circulation of the Nor'-Wester among us."

The latest tidings from Red River show that these struggles are producing the greatest alarm, Dr. B.—, the successor of Dr. S.— having had his press threatened, his printed sheets stolen from his office and his person imprisoned, and his application for redress having been refused has driven him to Canada.

The *last* mail actually brings the intelligence of another outbreak at Red River, in the imprisonment of an Indian by the H. B. Company, and his forcible rescue by the Indians. And alarming apprehensions are entertained for the safety of the Settlement.

N. B.—The rapid progress of events in this territory, indicating its very serious position, make the publication of these notes to be of immediate consequence.

CHAPTER II.

Notes on the Law of Rupert's America or the North West Indian territories. The Hudson's Bay Company claim proprietory rights and control over said country under a Charter granted by King Charles II., 1670, *and herein is submitted legal notes on the law of the case.*

1. The non-fulfilment of the conditions imposed in the Charter is sufficient to invalidate it. On this head is the opinion of the able Counsel Mr. Edward Bearcroft: "Also if such a charter could be considered legal and valid in its commencement, it will be voidable by Sci. Fa., if the parties neglect to endeavour by reasonable and adequate means to carry the provisions of it into effect*". The scope of the said charter was to promote discovery and enterprise, and to spread Christianity among the natives. In this direction what has been done? In 1719, two vessels were fitted out, the Albany Frigate and the Discovery Sloop, that is to say, fifty years after the date of said Charter. And this expedition was undertaken by Captain Knight, who was Governor of a factory, on Churchill River, who was stimulated to it by the reports of the Indians regarding the existence of rich mines. He pointed out to the Company that they were

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*Fitzgerald p. 76, &c.

bound by their charter to make discovery, waited on the Secretary of State, and his firmness led the Company to comply. In 1769, fifty years later, Hearne commenced his expedition, for the gain of the copper mines, north of Churchill. In 1836, that is 70 years later, the enterprising traveller, Thomas Simpson, commenced his discoveries, and in that year, the Company opened negotiations for the renewal of their License, reduced the supply of spirituous liquors to the Indians, and called for Missionaries. In this enterprise of Hearne's, the Company seem to have been stirred up by the fact that the Government were sending out the expedition of Dease and Simpson, under the then Captain Back; and again in 1846, when the late Sir John Franklin was dispatched by the British Government to carry on discoveries in those parts, Dr. Rae, was sent out by the Company*. Thus, from 1670, there have been four expeditions, and the two first were undertaken, not to obtain Geographical information, but to discover copper, and were in a great measure trading speculations, and the other two were entered upon when the Government sent out its own expeditions. Do such expeditions amount to a fulfilment of the conditions of the Charter? But it is alleged, that they have not only forfeited it on this ground, but even deterred others. One writer quotes: "It has been generally supposed, and with reason, that the Hudson's

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*For a further account of expeditions for discovery in those regions see Appendix I.

Bay Company, though bound by their Charter to make the discovery of the North-West passage, hath taken every method to prevent the accomplishment of it. And it is notoriously known that Captain Middleton, who, in 1740, was sent out by the Government upon that service was publicly charged with his having received £5,000, as a bribe from the members of the Company to defeat the undertaking, or at least conceal the necessities of it*. And the legislature being made sensible of these proceedings, in allusion to a false journal of his voyage, passed an Act for the encouragement of adventures to attempt the discovery of the North-West passage, offering at the same time so liberal a reward as would probably preclude the effects of bribery in preventing the success of any future expedition. And on the non-fulfilment of spreading Christianity in the land and the small amount of trade‡.

2. On the Invalidity of the Charter granted by Charles II. 1670, without the sanction of Parliament.

If the Crown has the right to grant away the waste and unoccupied lands in the Colonies, it never did possess the right to confer a monopoly in trade§. Lord Coke in his exposition of the Statute of Magna

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*Middleton's Geography. Folio. Lond. 1778. Vol. ii., pp. 18, 19. ‡See Appendix E. & C. §Nor can it confer the right without the Sanction of Parliament to tax Her Majesty's subjects, which is notwithstanding arrogated by the Company.

Charta says: "All monopolies concerning trade and traffic are against the liberty and freedom declared and granted by the great Charter, and against divers other Acts of Parliament[*]."

The Statutes 21 James I. cap. 3, declare that, all monopolies and all Charters granted to any persons or bodies, corporate for the sole buying, selling, &c. of any thing within this realm, are altogether contrary to the laws of this realm, and so are and shall be utterly void, and of none effect. Again, "It appeareth by the preamble of the Act that grants and monopolies, are against the ancient and fundamental laws of the Kingdom*** this Act is forcibly and vehemently framed for the suppression of all monopolies, for monopolies in time past were even without law".

3. On the Territorial Extent of the old Charter. Even if the Crown had the right to grant such a charter, its language clearly restricts it to only a portion of the vicinity of Hudson's Bay; on which is submitted the Opinion of late Lord Brougham, Sir Arthur Pigott, and Serjeant Spankie[‡]: "The grant of the soil is limited to the coasts adjoining and places not already possessed; that the territorial grant

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[*] 2 Inst. p. 62-64.

[‡] Pending the proceedings narrated in the historical section of this work, the North West Company obtained the opinion of eminent counsel, the correctness of which was decided by the subsequent judgment given in the courts in Canada, cap. I. aforementioned.

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was not intended to comprehend all the lands that might be approached through Hudson's Straits by land or water, but is limited by the relation and proximity of the territories to Hudson's Straits. "*Within* the Straits" must mean such a proximity to the Straits as would give the lands spoken of a sort of affinity or relation to Hudson's Straits, but which are not even approached by the Canadians through or by the Straits in question. The lands now claimed or part of them, were traded in and occupied by the French traders of Canada, and such lands would be expressly excepted out of the grant, and the right of British subjects to visit and trade in those regions would follow the natural rights acquired by the King in virtue of the conquest and cession of Canada, and as enjoyed by the French Canadians previous to that conquest and cession, for they are neither within the Straits, nor approached by those regions". And their opinion further was that, "in no case could the Red River or the Saskatchewan be included, within the range of said old Charter". The terms, "Hudson's Bay Territory", as used in said Charter or Acts of Parliament, can only be made to apply to such territories as lie, "within the Straits" of Hudson's Bay, and were in 1670, actually in possession of the Crown of England. Besides, as this Charter was granted to encourage trade and discovery, it could not have been the design of King Charles II., to dislodge the French Canadians, who then occupied certain parts of Hudson's Bay, or to stop their arduous enterprises in pushing their trade up the streams nearly 1,000 miles, for they are expressly exempted from all interference by the terms of said Charter*".

4. The language of said Charter Invalidates it. And on this point is subjoined the opinion of the aforesaid eminent Counsel: "Besides that this Charter attempts to erect a joint-stock Company and to grant an exclusive right of trade, there are various clauses in the Charter, particularly those impowering the company to impose fines and penalties, to seize or confiscate goods, or ships, and seize or arrest the persons of interlopers &c., which are altogether illegal and were always admitted to be so, and among other times, and even at the time, when the prerogative in this matter was maintained at its height, to grant an exclusive right of trade, we are clearly of opinion, that they and their Officers, agents, or servants, could not justify any seizure of goods, imposition of fine or penalty, or arrest or imprisonment of the persons of any of His Majesty's subjects". On which is also added the opinion of the eminent lawyer Mr. Edward Bearcroft: "If the Hudson's Bay Company or those under their authority shall venture to seize the person, ships or goods of a British subject, the action is by action of trespass against the Company, or against the persons, who do the act complained of, and, the action may be brought in

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*Fitzgerald p. 31-34.

any Court of Westminster*".

5. The prior occupation of Hudson's Bay and the lands contiguous, by the King of France and his subjects, Invalidates said Charter. The country which said Charter purports to have conveyed to the Hudson's Bay Company in 1670, did not at that time belong to the Crown of England, and could not therefore be legally the subject of a grant. (*Nemo dat quod non habet*) The question as to the rights of France and England to the territory of Hudson's Bay, was in dispute many years before, and was not decided till many years after the date of said Charter, and was not finally settled till the treaty of Utrecht in 1713; and said Charter itself is so guarded in its wording that it supposed it was already occupied by another Christian Prince.

6. The said Charter was Invalidated by the Articles of Capitulation between France and England, even supposing it contained any legality at all. Article 42: "The French Canadians shall continue to be governed according to the customs of Paris, and the laws and usages established for this country, and they shall not be subject to any other imports than those which were established under the French Dominions‡".

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*Fitzgerald p. 74. ‡Certain old customs and laws are always admitted to be in force among a people conquered or taken under the British flag, as in Mauritius.

7. The said Charter was Invalidated by the Treaty of Ryswick in 1697. If said Charter retained the least validity whatsoever, it was officially extinguished by this Treaty, which made over to France a very large part, if not the whole of the territory claimed by the Company under this Charter of 1670. In reference to which, Charlevoix says: "Pour ce qui est de la Baye d'Hudson elle nous reste toute entiere parceque nous eu etions les possesseurs actuels*".

And Mr. Bearcroft in his history of the United States, in allusion to this writes, "In America, France retained all Hudson's Bay and all the places of which she was in possession at the beginning of the war". Explanatory of the two foregoing sections, let it be observed, that, in a time of entire peace between the two countries, an expedition is dispatched from Canada, commanded by Chevalier de Trayes, and he takes the forts which were established by the Hudson's Bay Company, on Hudson's and James's Bay, and drives away their possessors upon the plea that, the country occupied by their Forts was part of the Dominions of the French King, and at the close of the war, it was declared by an express Article in the Treaty between France and England, that the country so captured, though retaken by the English during the war, shall be restored to the Dominions of the French King. In the Treaty of Ryswick, provision was made for the commissioners, "to examine and determine the rights and particulars which either of the said Kings had to places situated on Hudson's Bay, except those parts which were taken by the French during the peace which preceded the war, which parts are to belong to France". Thus, there was a National acknowledgement that those countries did not belong to the Crown of England at the time they were taken in the peace preceding the war. And had the Company possessed any valid rights under said charter there would have been a clear case for compensation, when in this manner, it was made over to France, and all possible rights for ever rescinded.

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*Fitzgerald p. 42-44.

8. Said Charter was entirely Ignored by Imperial legislation in fixing the International Boundary Line betwnen the British possessions in North America and the United States in 1818. The H. B. Company say, the aforesaid Charter gave them proprietory‡ rights and privileges of trade co-extensive with all the waters that run into Hudson's Bay; but this Boundary Line cuts off, and makes over to the United States the largest and most fertile part of the Red River valley, the sources of whose waters are this

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‡Though upon this point some hold that even the old charter did not confer proprietory rights in the soil until the Company had "purchased" any land of the natives or occupiers, as "purchase" is the language of said charter; and for that certain further powers would be necessary, before they could treat as Land Commissioners for the Queen.

moment some 300 miles to the south of said line, and it now forms important sections of the greatest states recently created in the Union. And the Government was aware that this tract of country was within the limits claimed by the Hudson's Bay Company under their old Charter, for Mr. Mc. Gillivary in 1815, informed the Colonial Minister: "The settlers by proceeding up beyond the forks of the Red River have got to the Southward of the Latitude of 49°, so that if the line due West from the Lake of the Woods is to be the Boundary of the United States, and if conrary to my expectations, Lord Selkirk's colony should continue to flourish, it will not then be a British, but an American settlement, unless specially excepted in the adjustment of the Boundary*". Now, had the Charter been valid, this would have afforded good grounds for a fair claim to compensation, whereas the Act of the Crown is done quite irrespective of such considerations‡.

9. The Act 2nd. William and Mary, 1690, promulgated the invalidity of the said Charter. The Company found it impossible to keep out interlopers, and hence petitioned Parliament for an Act to confirm their Charter, and the House of Commons passed an

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*See appendix to Blue Book 1857 and Fitzgerald.

‡The opinion of Mr Bearcroft was that anyone might act in respect to the whole of that territory, as if no such charter existed, and this may have been a data of action in this instance.

Act for a term of Ten Years, but in the House of Lords it was cut down to "Seven Years and no longer". And on this, the eminent Counsel already quoted gave the opinion: "A legislative declaration of the insufficiency and inadequacy of the Charter for the purposes proposed in it without the aid and authority of the Legislature". At the close of the Seven Years, an effort was made to get said Act renewed, but fearing its rejection, the project was abandoned, and said Charter has remained unrenewed to this day.

10. Act 42 King George II . cap. 138, Ignores said Charter. In 1803, concurrent with the rapid progress and great extent of the traffic by the French and British Traders over those regions, the aforesaid Act was passed, and extended the jurisdiction of the Courts of Canada over the Indian territory ; and just half a century ago, the pretentions of the Hudson's Bay Company were put to the test before the Canadian Courts, and judgment was recorded against them, of which proof will be found in the preceding historical notes (See cap. I.).

11. Act 1 & 2 of King George IV., cap. 66, passed in 1821, completely sets aside the old Charter. The Hudson's Bay Company, and the "North West Company", carried on their disputes in respect to the unrestricted exercise of their rights all over the country ; and after the above decisions of the Canadian Courts thereon, the two Companies mutually agreed to share the trade throughout the whole of the terri-

tory, and on this principle, they merged into one association, when said Act was passed to enable the Crown to grant a License of trade throughout the Indian territory to any Company, person or persons, for the term of twenty-one years. And thus, the old Hudson's Bay Company's existence was extinct, and in their accepting this New License, on this foundation, they necessarily relinquished for ever every vestage of the old License or Charter of 1670, and bound themselves in submission to the Law Courts of Canada and England, and to the Annual payment of rent to the Crown for the land*. And to sweep away every subterfuge and every fragment for doubt upon these matters, the Act says: "And whereas doubts have been entertained, whether the Provisions of an Act 43 King George III., entitled an Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoning said Provinces, extended to the territories granted by Charter to the said Governor and Company, and it is expedient that such doubts should be removed, and that the said Act should be further extended; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, it shall be lawful for His Majesty, his Heirs and Successors, to make grants, or give his Royal License to any body corporate or Company, or person or persons for the exclusive privilege of trading with the Indians*** and that from and after the expiration of the time and period of 21 years, it shall be lawful for His Majesty, his Heirs or Successors to reserve such rents in any future grants or Licenses to be made to the same or any other parties, as shall be deemed just and reasonable, with security for the payment of the rent; and such rent shall be deemed part of the Land Revenues of His Majesty, his Heirs and Successors, and be applied and accounted for, as the other Land Revenues of His Majesty", &c. &c. And in the 5th. Section of this Act: "V. And be it declared and enacted, that the said Act passed in the 43rd. year of the reign of his late Majesty entitled an Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining the said Provinces, and all the clauses and Provisions therein contained, shall be deemed and construed and it is and are hereby respectively declared, to extend to and over and to be in full force in and through all the territories heretofore granted to the Company of Adventures of England trading to Hudson's Bay; any thing in any Act or Acts of Parliament, or this Act, or in any Grant or Charter to the Company to the contrary notwithstanding"; and in Section: "VI. And be it further enacted that from and after the passing of this Act, the Courts of Judicature now existing, or which may be hereafter established in the Province of Upper Canada, shall have the same Civil Jurisdiction, Power and Authority, as well in the cognizance of Suits, as in the issuing of Process, mesne and final, and in all other respects whatsoever, within the said Indian Territories*** and that all and every Contract and Agreement, Debt, Liability, and Demand whatsoever made, entered into, incurred, or arising within the said Indian Territories and all and every Wrong and Injury to the Person or to Property, Real or Personal, committed or done within the same, shall be deemed to be of the same nature, and be cognizable by the same Courts, Magistrates, or Justices of the Peace, and be tried in the same manner, and subject to the same consequences in all respects, as if the same had been made, entered into, incurred, arisen or committed or done within the said Province of Upper Canada". And in Section: "VII. And be it further enacted, that all Process, Writs, Orders, Judgements, Decrees, and Acts whatsoever, to be issued, made, delivered, given, and done by or under the Authority of the said Courts, or either of them, shall have the same Force, Authority, and Effect within the said Indian Territory and other parts of America as aforesaid, as the same now have within the said Province of Upper Canada". In said Act there is also a provision made, authorizing the Governor General of Canada to issue Commissions for the appointment of Justices, and for Her Majesty* to appoint one or more Justices to take evidence in any suit or to hold a "Court of Record" in any part of that country, for the trial of Criminal offences, and misdemeanors, and also of Civil Causes, and their action and finding are to be of full force in every part of the heretofore Chartered or Indian Territory; and such Court is to be appointed in the manner laid down in the Act, but even such a Court, "shall not try any offender upon any Charge, or Indictment for any Felony made the subject of Capital Punishment, or for any offence, or passing sentence affecting the life of any offender, or adjudge or cause any offender to suffer Capital Punishment or Transportation, or take cognizance of or try any civil action or suit, in which the cause of such suit or action shall exceed in value the amount or sum of £200; and in every case of any offence subjecting the person committing the same to Capital punishment or transportation, the Court or any Judge of any such Court, or any Justice or Justices of the Peace, before whom any such offender shall be brought, shall commit such offender to safe custody; and cause such offender to be sent in such custody for trial in the Court of the Province of Upper Canada" (Section XII.). And to remove

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*Even, from the most ancient grant downwards, the lands were ever to be regarded as "the plantations or colonies of the Crown and to be governed as near as agreeable to the Laws of England".

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*Hence the Queen may at any time under the Great Seal in virtue of this Act appoint Justices of the Peace to take evidence or hold a Court of Record in any part of that country in matters involving the amount up to £200, but for causes and offences beyond that value even Her Majesty could not appoint legal officers. The English law is so tender of the lives and liberties of Her Majesty's subjects both in its letter and spirit, that the fullest advantage shall be afforded to the parties affected before competent tribunals, and hence the Legislature decided in this instance that no trading company should try its own servants or parties whose interests might be opposed to theirs in remote places where no legal assistance could be obtained, but should have every legal aid and an impartial hearing before duly appointed Judges of integrity and learning, and who should be perfectly free from interest to either side. The writer is not aware that Her Majesty has up to the present hour appointed Justices or a Court of Record under the Great Seal even for the trial of the minor

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causes and offences limited in the Act, and therefore, at the present moment, there is no legal officer, Justice of the Peace or lawful Court of Record in the whole country, as directed or authorized by the aforesaid last Act of Parliament passed.

all cavil as to the application of said Act to what the Agents of the Company may please to call their "Old Chartered Territory", the Act again and again repeats, that it is to be in full force: "As well within any territories heretofore granted to the Company of Adventurers of England trading to Hudson's Bay, as within the Indian Territories of such other parts of America as aforesaid, anything in this Act, or in any Charter of the Governor and Company of Merchant Adventurers of England trading to Hudson's Bay, to the contrary notwithstanding" (Section XI).

Such, then, is the Law appertaining to Rupert's Land or Rupert's America or the Indian Territories*. And deceased Governor Simpson, of the said new Hudson's Bay Company, mentioned in his examination before the Select Committee of the House of Commons in 1857, certain cases which in his time were sent down from the said Territory to Canada for trial, as if at the beginning of the operation of this clearly defined status, there was a course of action adopted in accordance therewith, but, it seems, that slowly and quietly the old spirit of assumption broke through every fetter, and the Company, in spite of said Act, invested their Governor and sundry servants and persons with judical, and legislative, and executive functions, styling them, "Governor", "Recorder", "Sheriff", "Governor of the gaol", "Gaoler", "Clerk of the Court", "Constables", &c. And as if they were not content with exercising judicial functions within the limits of minor causes and offences or up to £200, to which even a duly constituted Court under Her Majesty's hand and seal is expressly restricted by the Act, the Company's agents and would-be Justices of the Peace, have actually gone the full length of arresting, trying, sentencing, and imprisoning Her Majesty's subjects in that territory from the smallest to the highest allegations of crimes and even serious causes against this express prohibition of the Imperial Parliament, and against the tenor of the penal bond of £5,000 which said Company officially signed and sealed*.

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*The application of these Acts, after some cross-questioning, was at last admitted by one of the chief representatives of the H. B. C., in answer to Earl Russel.—Blue Book, 1857, p. 338, Question 5,892.

In concluding this branch of our subject, we put it to the common sense of mankind, whether the Imperial Parliament can for a moment longer tolerate such a gross systematic violation of the Law, which it is believed has endangered the very existence of Christian settlements,—has involved irreparable injury, loss of freedom, and ruin to many of Her Majesty's subjects,—in which said agents sit and judge, and sentence, and imprison, without Commissions, making them Justices under the Great Seal,—without certificates of qualification as members of the legal profession,—without the aid to the party accused of qualified Barristers or Solicitors,—without that impartiality of position which is ever held to be an essential ingredient in holding the balance with an even hand between contending parties, and not to add,—the remoteness of those parts and the poverty of the aggrieved individuals confronted with a rich Company—making a remedy nearly impossible*, and in so far, placing the Company and its Agents beyond the reach of Justice, and in the haughty position of setting at defiance alike the subject and the Imperial Parliament*.

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*See copy, of said bond or covenant in the Blue Book on the Hudson's Bay Company 1857. Appendix p. 434.

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*This is very well illustrated by a case where the injured party brought an action in the Common Pleas against one of the chief agents of the Company, and sustained it for nearly four years, without his being able to bring it up for final judicial decision—the influence of such being so great that he can be kept at bay this length of time!

CHAPTER III.

Notes on the Extent, Physical features, and Resources of the country, the Facilities which exist for Intercommunication, and the Importance of Immediately Opening these Territories.

As might be expected, after the amalgamation of the two fur trading companies in 1821, their trade not only embraced the Indian territories generally, but spread so far as to compass certain islands of the sea beyond these regions, so that one writer probably in taking the widest extent of their sway into account, says: "History does not furnish another example of an association of private individuals, exerting so powerful an influence over so large an extent of the earth's surface, comprising 4,500,000 square miles"*. In respect to that country called Rupert'sAme-ica or the Indian territory, some writers estimate it at 370,000 square miles; but a more general estimate is that of 500,000 square miles. A country so vast must needs have great variety of climate and productions, but the three leading phisical features are, the WOODY, the BARREN‡, and the PRAIRIE country;

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*Professor Hind. ‡The term barren is used as denoting more a Mineral than an agricultural section of the country.

and we may also name the interresting facts, that the waters which take their rise in the centre of the Continent of North America, East of the Rocky Mountains, flow in four different directions, into the Arctic Ocean, the Hudson's Bay, the River St. Lawrence, and the Gulf of Mexico. It is unquestionably a cold country in winter, but it is a *dry* cold, alike healthy and exhilarating. The isothermal lines show that certain parts of the Saskatchewan, which are farther north than Red River, comprise the milder climate of the two, which is borne out by facts; and men who are competent from personal observation assert that, the the cold is far more disagreeable at Fort Churchill, north latitude 59°, than at Peel's river upon the Arctic Circle.

But now I shall transcribe sketches on the foregoing particulars generally. The first sketch is from one of the Company's late Governors, who in starting from Fort William, on the Western Shores of Lake Superior, and proceeding thence to the Red River* and the Saskatchewan, and across the Rocky

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*The Red River, in British Territory, is now 140 miles long by the winding of the stream, from 200 to 250 ft. broad with a moderate current, and discharges itself by six different channels into Lake Winipeg. The sources of it go some 300 miles farther south, and were lost by England, and gained by the U. S., when the International Boundary Line was run in 1818.

Mountains, writes: "After leaving Fort William the navigation for the first 50 miles is much obstructed by rapids and shallows; after halting we came upon the Kaministaquia river, and in our little squadron in full song we darted merrily up the beautiful river, where verdant banks formed a striking and agreeable contrast with the sterile and rugged coast of Lake Superior. Early in the forenoon next day we reached the mountain portage formed by the Kakabeka falls, the Kaministaquia here taking a sudden turn, leaps into a deep and dark ravine, itself a succession of leaps, inferior in volume alone to the Niagara Falls. The Kakabeka has the advantage of it in height of fall and wildness of scenery. About the middle of the descent a beautiful rainbow at the time of our visit spanned the charming waters, harmonizing sweetly at once with the white foam, the green woods, and the sombre rocks. The River during the day's march passed through forests of elm, oak, pine, birch, &c., being studded with isles not less fertile and lovely than its banks, and many a spot reminded us of the rich and quiet scenery of England. The paths of the numerous portages were spangled with violets, roses, and many other wild flowers, while the currant, the goosberry, the plum, the cherry, and even the vine were abundant. All this bounty of nature was imbued, as it were, with life by the cheerful notes of a variety of birds, and by the restless flutter of butterflies of the brightest hues,***the Kaministaquia presented a perfect paradise. One cannot pass through this fair valley without feeling that it is destined sooner or later to become the happy home of civilized men, with their bleating flocks, and lowing herds, with their schools and their churches, with their garners and social hearths. The next day we reached dog portage justly admired by all who see it. At the spectator's feet is stretched a panorama of hill and dale, chequered with the various tints of the pine, the aspen, and the oak, while through the middle, meanders the silvery stream of the Kaministaquia, after doubling and turning, as if willing to linger on so lovely a spot". And advancing further up these regions till he crosses Rainy Lake, he writes: "The River which empties *Lac la Pluie* into Lake of the Woods is in more than one respect decidedly the finest stream on the whole route. From Fort Francis downwards, a stretch of nearly 100 miles, it is not interrupted by a single impediment, while yet the current is not strong enough to retard materially an ascending traveller, nor are the banks less favourable to agriculture than the waters to navigation, resembling in some measure, those of the Thames near Richmond. From the very brink of the river there is a gentle slope of green sward crowned in many places with a plentiful growth of birch, poplar, beech. elm, and oak. Is it too much for the eye of philanthrophy to discern through the vista of futurity this noble stream, connecting as it does, the fertile shores of two spacious lakes, with crowded steam boats on its bosom and populous towns on its borders". And on reaching the Saskatchewan,*—which, as its name implies, has a swift current, and is one fourth of a mile in width, and is navigable for Steamers for 700 miles in a direct line,—in speaking of his journey near this finer river and through those parts which border on Edmonton, he observes: "Our route lay over hilly country, so picturesque in character, that almost every commanding position presented the elements of an interesting panorama". He futher says that he saw, "red earth, rich in mineral productions, a seam of coal ten feet in depth can be traced for a considerable distance along the sides of the Saskatchewan, and that he found raspberries of large size and fine flavour there, and noticed the carcases of several thousand buffaloes". And then as to Bow river in that vicinity he adds: "It is 500 yards across, and runs through a country very much resembling an English park". And then he estimates this fertile section of the country to be, "at least as large as England‡".

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*Sir G. Simpson's narrative round the world pp. 36, 37, 38, 45, 46, 84, 101. ‡The Saskatchewan is navigable for boats and canoes almost from its source, in the Rocky Mountains, throughout a course of 1,400 miles to its mouth, where it empties into Lake Winipeg, interrupted only by one rapid, which could be easily overcome. The sources of the Saskatchewan on the one side, and the Columbia on the other, are

The next description is from Viscount Milton and Dr. Cheadle: "Although there is little land fit for agricultural purposes within the boundaries of British Columbia, yet the fertile belt of the Saskatchewan is separated from it only by the barrier of the Rocky Mountains; and of the beauties and resources of this pleasant land we have already made mention. The rich prairies from three to five feet deep of alluvial soil are ready for the plough, or offer the luxuriant grasses to domestic herds. Woods, lakes, and streams diversify the scene, and offer timber, fish, and myriads of wild fowl, yet this glorious country, estimated at 64,000 sqare miles, and millions of acres of the richest soil, is, from its isolated position, *and the difficulties put in the way of settlement by the governing powers,* hitherto left utterly neglected and useless except for the support of a few Indians, and the employée of the Hudsons's Bay Company. And this rich agricultural country is but a step, as it were from the gold-fields. It is the very support required to British Columbia. That communication can be established can be demonstrated. Why, then, should not the miners be supplied with provisions from British territory instead of California, and the gold fields of British Columbia enrich British Subjects

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so close together, that the late Sir G. Simpson could fill his kettle for breakfast out of both at the same time. There is water-carriage thus the whole way from London to the Rocky Mountains!

rather than American. The advantages of a route across the continent of America, which passes entirely through British Territory, seems palpable enough. The Americans ever in advance of us in like enterprises, have constructed a road and laid a telegraphic line across the continent to California, and have commenced a Pacific railway and telegraphic wires viâ Behrings' Straits. Greater difficulties had to be encountered in carrying a road over more barren prairies, where wood and water are scarce, and which are infested by hostile Indians. The pass through the Mountains in the U. S. American territory is abrupt and high unlike the easier gradients of the Vermillion and Jasper House passes*. Victoria in British

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*There are three passes over the Rocky Mountains, in British territory, one through Peace river, which flows right through the Mountains, one from the northern branch of the Saskatchewan, and one near the southern branch, the pass which was followed by the late Sir G. Simpson. (see H. B. Company, Blue Book 1857, Q. 6092.)

But as showing the movements of Divine Providence in turning mens' minds to open this country, a further Pass has just been discovered and reported to the Royal Geographical Society thus: "Before the Royal Geographical Meeting last evening Mr. A. Waddington explained his proposals for an overland route: "For eleven years he had been engaged in exploring British Columbia, and he has discovered, Columbia is but 6,053 miles from Hong Kong or about 21 days steaming. If a railway were constructed from Halifax to some point in British Columbia, the whole distance to Southampton would be accomplished in 36 days, from 15 to 20 days less than by the overland route viâ Suez‡".

I shall now quote from the exploring party recently dispatched to that country by the Canadian Government: "The idea of a route across America lying wholly within British territory is daily becoming more settled and defined. The trade of China and Japan, the gold wealth of British Columbia, and the

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on the western side of the Rocky Mountains, a route which will serve for connexion with Canada. The western terminus of this route is Bute Inlet, a spacious harbour opposite Vancouver's Island. Thence Mr. Waddington found a deep valley, running in a north-easterly direction, and rising by easy gradients to a height of 2,500 feet. At this elevation he found a magnificent plateau, as large as England, and fit for a railway. After proceeding 120 miles the route abuts on a bend of the Fraser river, which encloses the celebrated Cariboo gold fields—on a line with that pass over the Rocky Mountains, is the Yellow Head Pass, which was discovered by Viscount Milton and Dr. Cheadle". [The Morning Star,
March 10. 1868.

‡Viscount Milton's work on Rupert's Land, 1865. p. 393-395.

fertile belt forming the northern boundary of the Great American desert, all give importance to it. The illimitable wastes of Siberia, extending over 80 degrees of longitude are traversed by Russian couriers in far less time than with all our appliances of steam and telegraph we can receive news from China. The same postal system which there prevails can be far more easily maintained in British America, and with this vast advantage, that from the Lake of the Woods to the Rocky Mountains, the route would be through a country, not only remarkably fertile, but possessing rich stores of timber for fuel, lignite-coal, iron, and salt." And speaking of Rainy River* in the route:

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*Rainy Lake is 225 miles west of Lake Superior, 50 miles long and 38 broad, and 294 miles round by canoe route, and is 1.600 ft. above the level of the sea. From this flows Rainy river, which never freezes for 12 miles between the Falls and the little Fort, nor between the Falls and the its source in Rainy river, because the warm waters coming from beneath a shelter of ice in their capacious-feeding-lake, retain their heat so as to enable them to resist the cold for many miles. Lake Superior is 600 ft. above the level of the sea, and its area is 32,000 square miles. The dividing ridge separating the valley of Lake Superior, from that of the Mississipi, is 475 ft. above the level of the sea. And the elevating ridge, dividing the waters which flow to Hudson's Bay, and to the St. Lawrence is, 1,485 ft. above the sea-level. By the

"For a distance of 70 miles it presents an area of available soil of high fertility exceeding 170,000 acres, and extending 4 miles back from its banks, and may be compared to a rich overgrown and long neglected garden, its banks preserving an average altitude of 40 feet, sustaining a growth of trees (one elm measured 9 ft. 8 in. in circumference), the width varying from 200 to 300 yards, and the soil is a sandy loam mixed with vegetable matter, and affording an uninterrupted water communication for 170 miles to the North-West corner of the Lake of the Woods. We found more birds singing here than all along the route, and the vegetation exhibited the utmost luxuriance. Sturgeon are numerous in its river, and we caught a pike weighing 10 lbs. by striking it with the paddle*".

Another testimony is from one who has devoted

Pigeon river route, it is 325 miles from Lake Superior to Lake of the Woods: Lake of the Woods is 75 miles in length and breadth, and 400 miles round by canoe route, and is broken up into three distinct lakes by a long promontory, and is 377 ft. above Lake Superior, and from the N. W. point of Lake of the Woods to Red River, the distance by land is 90 miles. St. Croix Lake connects the Mississippi with Lake Superior, and at the height of land, this lake sends waters both to the St. Lawrence and to the Hudson's Bay. [Professor Hind.

*Professor Hind on Rupert's Land, pp. 14, 15, &c.

much attention to the country, and points more to the vast regions, scarcely yet known, beyond this fertile belt: "There are immense quantities of salt in a very pure state, near Great Slave Lake, and a great abundance of mineral tar, in fact, it is employed by the Hudson's Bay Company for their boats and river craft. The whole of the Mc. Kenzie river is really a mass of minerals, the banks of the river being composed of deep beds of bituminous shale associated with alum and beds of iron and clay. The soil is actually plastic in parts with the transfusion of mineral tar. I myself have often driven a pole into some of the natural pits in which it occurs ten feet deep, without finding any bottom. There are also valuable salmon fisheries there, and herrings in the greatest abundance. The river itself is of great depth and would admit vessels of the largest size‡. The delta of the Mc. Kenzie river, which is 90 miles in length, (from 67° 40′, to 69° 10′ N. lat.) and from 15 to 40 miles in width, is formed by flat alluvial islands, which divide the various branches of the river, and issues from the N. W. corner of Great Slave Lake, and is the largest river in the country, varying in breadth from one to three miles, and reaches the Arctic Ocean in 69° 40′. At 67° 40′ N. lat. it begins to divide into several branches, which at their mouths, occupy a space of more than 40 miles along the shores of the Arctic Ocean. The southern branch of the Mc. Kenzie originates within the mountain ranges of the Rocky Mountains. Near 60° N. lat., the Great Bear Lake falls into this river. This lake lies between 65° and 67° N. lat., and 117° 30′ and 123° W. long., and covers an area of 8,000 square miles. The Mc. Kenzie river, including the Athabasca branch*, traverses 15 degrees of latitude, and its whole course is supposed not to fall short of 2,000 miles‡.

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‡A. K. Isbister Esq. M. A. Barrister-at-Law. &c. in Blue Book 1857, on Hudson's Bay Company p. 353-4.

I shall now quote from the Public Press:—

"In the high places there is abundance of timber, every where there is grass, game of the noblest kind, and fish of the most delicate variety, give life to the land and water. In some places there is gold, in others gold and malachite, plumbago, iron, and petroleum are also produced in different districts. Salt is to be found near the Lakes, coal in more places than one, and lime-stone and granite exist to an inexhaustible extent. The country has besides an inestimable advantage in point of position, forming as it does, the inevitable future highway from the Atlantic to the Pacific Oceans. It presents not only the shortest but the easiest route from the Atlantic to British Columbia, and in illustration of the fact, the

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*The Rocky Mountains attain the greatest elevation where the sources of the Athabasca river, approach the sources of the Columbia river, Mount Brown, rising to 16,000 ft. above the sea. ‡Encyclopædia vol. vii. p. 327.

Cariboo Mines are more easily accessible from the Hudson's Bay district than from the coast of the Pacific. By way of what is known as, "the fertile belt", situated in the Company's territory, such a line of communication would be fed by an agricultural population for the entire distance. A railway taking this route would not only open this large country to civilization, but would place the markets of the Pacific, within the reach of the cultivators of the soil. Moreover, the route would be found to be the nearest and easiest to Japan, Australia, and the East Indies. Between London and Hong Kong it would save no less than 2,000 miles, the only engineering difficulties on the whole line, are the chain of the Rocky Mountains, and these are nothing to the obstacles presented by Mount Cenis, the Alleghannies, or the Great Austrian route through Styria*".

From another public journal: "The country from the Red River to the Rocky Mountains is of the richest character, and its wide plains teeming with natural wealth, and enriched with woods of magnificent extent. Dr. Hector has estimated that 40,000,000 acres of the richest soil, here lie ready for the plough‡".

From a third daily paper: "There is enough cultivable land in the valleys of the Saskatchewan and Assiniboia, to support 30 millions of people. In the bleaker districts of the north, there are mines of copper, of iron, and of tin ; there are inexhaustible fisheries; and there are still many herds of those animals whose covering supplies the civilized world with one of the most graceful and highly prized of its luxuries. The territories are nearly the size of Europe, they include great varieties of climate, and innumerable and diverse productions, and only require to be opened up on liberal terms||".

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*The Standard April 15. 1866. And the above is a part of the data on which, "one of themselves," in a pamphlet, urges the H. B. Company to sell their rights to ANY purchaser, Russian or American, &c.!!

‡The Daily Telegraph Jan. 1865.

From this simultaneous testimony to the fertility of these regions, I proceed to adduce evidence on the ease of opening the country: "Ships can sail from European or the Atlantic ports, and without breaking bulk, land their cargoes at Fort William, for less than one fiftieth part of the cost involved during the period when the Nor'-West Company carried on trade. The completion of the Sioux St. Marie canal in 1855, established an uninterrupted water-communication for sea-going vessels, between Lake Superior and the Ocean. The Sioux St. Marie canal is one mile and one eighth in width, and seventy feet wide at bottom, and one hundred feet at water line, and its depth is

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||The Morning Star Dec. 28. 1867.

(Since the foregoing was ready for press the Pall Mall Gazette has strongly urged the emigration of young men to these inviting fields, and advocated the opening of this fine country.)

twelve feet. The average lift of the locks is seventeen feet and 6 inches. The number of the vessels which passed through the canal in 1858 and 59 were respectively 443, and 847, with a tonnage of 149, 307, and 304, 860". Here there is a line of route right across the continent, from Lake Superior in Upper Canada viâ the Lake of the Woods, Red River, and the Saskatchewan, "admirably fitted for postal communication, which could be carriedout at once, during summer and winter by horses and dogs, at a minimum speed of 100 miles per day, and postal establishments could be formed along the route, where they would become the centres of population, in the midst of fertile areas, fitted to invite settlement, and become centres of civilization in this vast unpeopled wilderness, comprising, as it does, the total area of arable land of the first quality 11,100,000 acres; and of land fit for grazing purposes much more considerable*".

The Rev. George Mc. Dougall thus referred to the capabilities of British Columbia and the North West, at a meeting of the Wesleyan Missionary Society in Whitby, Canada,—

"The country is larger than this whole Dominion, and the agricultural portion of it, is larger than Eastern or Western Canada. He would give them a few facts. The cattle live out all the winter—except once, during five years, there was no need to feed horned animals or horses. This country extends 1,000 miles from the Red River to the Rocky Mountains. As to minerals he could trace 300 miles of coal in one direction. On one small creek he saw a seam of coal extending for six miles, and four or five feet thick. On the Athabaska River, 100 miles to the north of him, coal could be seen all along its banks, also on the southern banks of the Saskatchewan, in one place he had seen it where it had been on fire from time immemorial. There was timber too in great abundance. Some of the finest rivers in the world ran parallel for hundreds of miles, and on the higher portions of their course near the Rocky Mountains there was the finest timber. As to gold he wished he had all the gold he picked up, only five miles from the Mission House, he would soon pay the debt of the Society. The gold is there, and it will come in due time. Every River on the Eastern slope of the Rocky Mountains is full of gold. It might be asked why is not the gold taken out? Men at present cannot find provisions while they try to do it. Flour in that country is 1 dollar a pound, working cattle 200 dollars each, Miners will not work under 10 dollars a day. Men must go in and farm there, else provisions cannot be furnished in sufficient abundance to support the miners. If Dr. Taylor would come out this way, we would show him mountains that are the back bone of the country. Let him see one sun rise from the eastern slope of the Rocky Mountains with the strawberries at his feet, and eternal snows above him on the summit of the mountains, and he would soon acknowledge the Alps of which he was so fond of talking to be small. When he himself came to the Red River he felt cross with the Canadians every hour on account of their indifference to this fine territory. Americans are wide awake. An old farmer who wanted me to preach at his house showed me the wheat he had raised. He had raised 300 bushels of wheat weighing 68 pounds to the bushed. He had seen there the finest specimens of flax, and fit for thread of the finest quality, for fisheries and other purposes, Native hops, worth seventy five cents per pound in St. Paul's could be gathered by the waggon load*".

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*Professor Hind.

In concluding these pages, the writer adds that both from intercourse with the natives and Europeans who have traversed these regions, and from personal observation of large tracts of this country, he fully corroberates the interresting delineations which the above various writers have drawn. Let there then be instant action in opening, developing, and Christianizing the length and breadth of the land. Let the Government and Imperial Parliament at once nobly rise to the occasion, absolutely set aside all further parleying, and pass an adequate Bill† and practically echo :—

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*From the Nor'-Wester, Dec. 28. 1867.

†The Canada Confederation Act of last year, Sec. 147. gives authority increasingly in this direction, and has encouraged activity on the part of the Canadian Legislature, but Parliament must not stop here.

"Improvement! on the car of Time,
And rule the spacious world from clime to clime:
Thy handmaid, arts, shall every wild explore,
Trace every wave, and culture every shore.
On Erie's banks where tigers steal along,
And thy dread Indian chants a dismal song;
Where human fiends on midnight errands walk
And bathe in brains the murderous tomahawk:
There shall the flock on thymy pastures stray,
And Shepherds dance at summer's opening day,
Each wandering genius of the lonely glen
Shall start to view the glittering haunts of men;
And silent watch, on woodland height's around
The village curfew, as it tolls profound".

CAMPBELL.

And simultaneously let the Missionary sentiment be increasingly reflected:—

My Album is the savage breast,
Where darkness reigns and tempests rest,
Without one ray of light;
To write the name of Jesus there,
To point to worlds both bright and fair,
To see the savage bow in prayer,
Is my supreme delight.

APPENDIX.

A. In the fur trade the standard of exchange is a beaver's skin, a pound of gunpowder is given for 4 beaver's skins, a pound of shot for one beaver, an ell of coarse cloth for 15, a blanket for 12, 2 fishhooks, or 3 flints for 1, a gun for 25, a pistol for 10, a hat with a white lace for 7, an axe for 4, a checked shirt for 7, a hedging bill for 1, a gallon of brandy for 4, all which was sold at the profit of 2,000 per Cent*. And in reference to the trade over the country generally, the value of goods bestowed for furs is under one twentieth of their value in England, but in other places, and in the outskirts of Canada, where the exclusive privilege of trade does not prevail, the prices permanently offered are from two to ten fold greater‡. The standard may also vary slightly in different places or at different times.

B. During the first twenty years of the existence of the Hudson's Bay Company so great were their profits that, notwithstanding considerable losses sustained by the capture of some of their Forts by the French, amounting to £118,000, they were enabled to make a payment to the proprietors in 1684 of 50 per Cent.; another payment in 1688 of 50 per Cent, and a further payment in 1689 of 25 per Cent. In

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*Lieutenant Chappel, 1742, per Fitzgerald p. 147.

‡A. Simpson p.150, and King's narrative vol. ii p. 53.

1690 the stock was trebled, without any call being made, besides affording payment to the proprietors of 25 per cent on the newly created stock. From 1692 to 1697 the company incurred loss and damage to the amount of £97,500 from the French. In 1720 their circumstances were so far improved that they again trebled their capital stock with only a call of 10 per cent from the proprietors, on which they paid dividends averaging 9 per cent for many years, showing profits on the originaly subscribed stock actually paid up of between 60 and 70 per cent per annum, from the year 1690 to 1800 or during a period of 110 years*.

C. The entire stock of the Company amounted only to £400,000, the measure of British Traffic for half a continent! The number of white servants in their pay was about 1,000, and the number of ships two annually, of about 300 tons each, and two ships were on the North-West Coast. But the Nor'-West Company alone, with half the capital, and in competition, employed 2,000 servants, and as long ago as 1816, it chartered three ships for the trade of the North West Coast, and for trading furs to China, and upwards of 300 Canadians were employed between the Rocky Mountains and the sea. The Russian fur company employed for that small strip of land, at the extreme North West part of the continent, 12 armed vessels and a host of agents. Even the settlement of the Moravians, on the coasts of Labrador, employs one ship annually and creates almost half as much trade with England as is derived from the whole of the H. B. Company's Dominions*.

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*British North America 1866, by the Religious Tract Society p. 244-48.

D. The ship Charles sized in 1868. A case of the owners and proprietors of the ship and goods Charles, seized near Hudson's Bay by Captin Walker, Commander, who went on board under a friendly pretence, then showed the company's warrant seized her, and ran her purposely on the rocks. The Tort being committed on the high seas, and the goods not having been landed, the proprietors were disabled sueing for satisfaction except in the high Court of Admiralty where no action for damages could be tried, and the owners applied to the Hudson's Bay Company for satisfaction, who answered, "Some of the members of the Company promised, that if the proprietors would be quiet and still, and not trouble the Company, nor interrupt them in their endeavours to procure an Act of Parliament for confirming their Charter, they would endeavour and did not doubt to persuade the Company to give some satisfaction to the proprietors, who did rely on their integrity; but when they had obtained an Act of Parliament, did forget, and do now deny their promise, and the proprietors did then petition the House of Commons that, in the event of passing an Act to confirm their Charter, a clause might be inserted enabling them to sue, &c.", See also the case of the Felt makers against the bill depending for confirming their charter*.

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*Fitzgerald p. 131, 132.

E. In 1608 the city of Quebec was founded by Champlain, and in 1612 four Recollect priests were sent thence from France to convert the Indians, and in 1635 a College of Jesuits was established, and in 1670, the R. C. Bishopric of Quebec was founded‡, and then in course of time priests were dispatched into the Indian country, numbering at present two Roman Catholic Bishops and a staff of priests and nuns in Rupert's Land. In 1845, Governor Semple, observed in his tours in that country that, he had trodden the ruins of various buildings, but there was not the trace of a church to be seen. In 1820, the Rev. J. West of the Church Missionary Society was sent out. The late and devoted Bishop of Quebec, the Rt. Rev. Dr. Mountain, who pierced the heart of that country in a canoe from Montreal, gives utterance to his deep sorrow at the absence of spiritual provision in that land. In 1849, that is to say, 179 years after the old charter of Charles II. was granted to the Hudson's Bay Company, the first bishop was consecrated for Rupert's Land, and since that See† was founded there has been a considerable increase in the Clergy and Missions. The salary of the Bishop is only about £700, which arose from the private gift of a gentleman engaged in the fur trade about which fund there was a suit. And finally the Court of Chancery tied down the Company to make an annual payment of £300 per annum towards the salary of the Bishop as a Chaplaincy*. The Governor and Deputy Governor of the Hudson's Bay Company being two out of three Trustees, and the other is the Lord Bishop of London. The Wesleyan and Presbyterian denominations also have Missions there. And in reference to the sources of support, the late Sir George Simpson wrote that four-fifths fall on the different Christian Societies. Moreover, instances of discountenance, obstruction, and even of persecution to the Missionaries will be found upon the highest testimony under Questions in the Blue Book 1857,—Questions, 4,354; 2,683, to 2711, and 3612. Also in Fitzgerald's work, p. 189, and on other testimony.

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*Tracts relating to various trading companies in the British Museum, found by the marks,— $\frac{816\text{ M. }11.}{1\text{ —}35.}$ vol. K.

‡Work in the Colonies by Society Propagation of the Gospel 1865. †In the order of time the creation of this Bishopric ranks about midway on the North

F. A specimen on the administration of justice: To discover an English boy who was missing from one of the Hudson's Bay Company's posts—Two Esquimaux Indians were seized and confined in separate apartments, and in a remote apartment a musket was

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American Continent or the 27th., there being in all 47 Bishoprics on that continent. Work by S. P. S. 1865.

*Blue Book on H. B. Company 1857, p. 352 & 247.

discharged, and the settlers entering the room in which one of the Esquimaux was confined, they informed him by signs that his comrade had been put to death for decoying away the boy, and that he would undergo the same fate unless he restored the absentee. The Indian promised everything and gaining his liberty he made his way into the woods, and was never afterwards heard of. For some time the other Indian was kept prisoner, but one day he tried to escape by boldly seizing the sentinel's fire-lock at night, but the piece accidentally going off, he was so terrified at the report that he was easily replaced in confinement, and the poor Indian was deprived of the use of his reason, and becoming troublesome, a conference was held to decide upon the most eligible mode of getting rid of him, and it being decreed good policy to deter the natives from similar offences by making him an example they accordingly shot the poor maniac in cold blood, without giving themselves the trouble to ascertain whether he was really guilty or innocent*.

G. From the Blue Book on the Hudson's Bay Company 1857,—

The Board of the Hudson's Bay Company in London appoints all important agents in the country. The Governor and Council at Red River are both appointed by the Hudson's Bay Company, and likewise hold office during pleasure (Question 2051*). The nature of the Governor's authority is the Supervision of of the Company's affairs; presiding at their councils in the country, and the principal direction of the whole interior management, the executive power resides in the Governor and his council (Question 1150*). The directors in London have the supervision of the Acts of the Council (Question 1170*). The Governor is the executive all over the territory (Question 1171-2*). His appointment is by the Governor and Company in England, who are the superiors, and they have supreme direction, the Governor is positively their servant, and revoked at their will and pleasure, what they desire him to do, he is bound to do (Question 1371-81*).

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*Lieutenant Chappel, his voyage to Hudson's Bay in H. M. S. Rosamond p. 156. See Fitzgerald p. 175,

H. On appointment of Magistrates—They act as Magistrates by reason of the Commission they receive from the Company, constituting them factors. (Question 1191-2*).

I. In 1,500 Gasper de Cortereal was sent out by the Portuguese, and he discovered a large part of the North Eastern coast of Labrador to the extent of 600 or 700 miles, and is supposed to have discovered Hudson's Straits. Sebastain Cabot made an unsuccessful voyage to those regions in 1517. Frobisher discovered Frobisher's Strait, and visited Hudson's Strait in 1577-8. Davis discovered Davis's Strait and Cumberland Strait in 1585-7. Hudson passed through the Strait into the Bay named after him. In 1612-14, Button, Bylott, and Baffin made many discoveries in and around Baffin's Bay. In 1631 James and Fox explored much of the region around Hudson's Strait. In 1818 two vessels were dispatched by the British Government under the command of Sir John Ross and Sir Edward Parry to re-examine the shores of Baffin's Bay, and Parry was convinced that Lancaster Sound was wothy of further exploration, and in 1819-22 he traversed the sound to a distance of 540 miles, and discovered Cornwallis, Bathurst, Melville, Cockburn, Winter Islands, Bank's Island, Regent's Inlet, Fury and Hecla Straits, and Repulse Bay. And as it seemed probable a North-West Passage might exist through Regent's Inlet, a wealthy individual, Sir Felix Booth, furnished all the expenses for a new adventure under the command of Ross, who during a severe trial of difficulties in those regions, from 1829 to 1832, discovered land, which he called Boothia Felix, whilst his Nephew, Sir James Clark Ross, discovered the position of the North Magnetic Pole. It was then entertained that a strait might exist between the main land and Boothia Felix; and successive portions of the North Coast of America were discovered. Between the discoveries of Capt. Beechey, who advanced to Point Barrow (71° 28′ N. Lat., and 156° 10′ W. Long.), only a coast line of about 130 miles remained undiscovered, and this tract was largely explored in 1837, by Messrs. Dease and Simpson. East of the Mackenzie river, the coast line as far as Point Turn-again (near 109° W. Long., and 68° 30′ N. Lat.) was discovered by the late Sir John Franklin, and late Sir J. Richardson, and the distance between this Cape and Point Victory, does not much exceed 300 miles. Dease and Simpson advanced to 106° W. Long. in 1838, so that the whole distance left unexplored was not much over 200 miles, and in the next year they advanced as far East as 93° W. Long. Sir George Back made two journies to the same regions, in one of which he made many discoveries near 96° W. Long. In 1845 the British Government again sent out an expedition under the late Sir John Franklin and Capt. Crozier in the ships Erebus and Terror, and three parties were dispatched by Government in search of the missing navigators by way of Behring's Strait, another by Barrow's Strait, and a third by the Mackenzie river. In 1847-8 Dr. Rae explored the coast from Lord Mayor's Bay to 69° 42′ N. Lat. 85° 8′ W. Long. a point within a few miles of Fury and Hecla Strait. And the question is still open, whether Ross conjectured, that Boothia is a peninsula connected with the main land of America, and not an Island, is correct or not*.

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*Blue Book, 1857.

J. Professor Hind in making up his report as to the way in which justice is administered in Red River, records a case which came before the Company's Quarterly Court, Dec. 28. 1859. It was alleged that two girls had stolen money from one of the Company's forts, and the Company's agent tried them on the charge; one was acquitted and the other condemned. The Company's agent was thus at once the prosecutor, judge, and everything else in the proceedings! On which Professor Hind modestly remarks,—"the mode in which justice is administered in the Settlements is rather of an undetermined character".

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*N. Encyclopædia Vol. VIII. p. 1018-20. 1849.

"RUPERT'S LAND."

K. "The Rev. G. O. Corbett, having visited the neighbourhood of Porchester for a season, has given a series of lectures and a reading on Rupert's Land in the parochial schoolroom, and as these extended over several hours, though of great interest, we can only give a faint outline.

In the year 1851 Mr. Corbett was sent out from England to Montreal, where among other duties, he visited the General Hospital of that city, and had many precious opportunities of speaking the word ot salvation to the sick inmates; and where also he received some medical instruction. He was then sent on to Rupert's Land, and his line of travel lay through the United States and up the Mississippi River, and thence branching out on the western route towards the Missouri River, he finally reached the Red River Settlement, after about 700 miles of rough travelling, through an entirely uncivilized part of the country. He commenced his ministratios with a temporary charge of St. Andrews, the largest station of the C. M. S., and in addition to his ministrations, he also acted as a medical missionary at the direction and approval of his Bishop. Subsequently, he formed an entirely new station on the Assiniboine River. In 1855 he visited England, and during this period great interest was awakened towards Rupert's Land, both among Christian friends and on the part of the British Government. After attending the medical department at King's College* for a season, he returned to his station at Headingly, Red River Settlement. His course this time was through the Hudson's Straits, in the Prince of Wales, and thence from the sea-shore about 800 miles inland by small boats. He now set to work and raised new mission buildings, the numbers in this new settlement quickly increased, and his sphere of usefulness was greatly widened, and this station is still flourishing.

The rev. lecturer narrated many things on the difficulties and dangers of travelling; on the climate, its heat and cold, its snowy regions and burning prairies; on the manners and customs of the Indians; and on the advancement of Christian missions out there. To the good work of the C. M. S., the S. P. G., and the C. & C. C. S., in so far as he had seen their operations, and had assisted at their stations, he bore express testimony. There were congregations under each of these societies comprising Indians, half-breeds, and a sprinkling of whites, which stood out in pleasing contrast with the savage Indians around. Besides, some had been raised up from among the natives, and were now ordained ministers carrying the glad tidings of the the Saviour's love to their own countrymen.

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*The author's admission thereto was from the recommendation of the Rt. Rev. Bishop Anderson, and he now takes this opportunity of thankfully acknowledging the kindness of all, and the Medical and surgical Staff at this College and its Hospital, due especially to W. A. Guy Esq. M. B., F. R. C. P., &c., under whose medical care he was for the first year; and to Henry Smith Esq. F. R. C. S., and President of the London Medical Society, for his unabated kindness during the last three years in his very instructive class at the Hospital.

Details were also given illustrative of the power of the grace of God, and of the opportunities afforded of ministering the word of life where he never would have been called but for the medical treatment he was accustomed to render. The rev. gentleman forcibly described the unvarying respect given to the missionary whether in visiting the tent or the rude log-house, and the protection and veneration as shown to their dead by the Christian natives, and even by the savage Indians, was graphically pourtrayed. In his own labours a fair measure of the divine favour had been vouchsafed:—The people of St. Andrews had petitioned for his longer residence among them, and when finding it could not be so, they sent him help in his project of forming a new station from its foundation.

During his first visit to England, he received a petition from the people out there to return, who pledged subscriptions towards building him a parsonage-house, and when out there he was further solicited to open out another new station, a testimonial of esteem was presented to him for ministerial and medical usefulness, in which his Bishop concurred; and by the Rupert's Land Scientific Institute he was nominated to be a member of the Medical Branch Committee. Indeed, his people, and those in the settlement generally, had even put their lives in jeopardy for him, and had since his present visit to this country expressed their desire for his return. The promise of God, "Lo! I am with you alway," &c., he had found to hold good, and the purpose of God in His word that, "All flesh shall see the salvation of the Lord", he was confident must be developed and become triumphant.

Mr. Corbett, in his "Reading", with which was combined music and singing, and which is carried on by the self-denying efforts of the ladies in the parish, gave a rapid and interesting sketch of his passage among the icebergs and of the incidents of a "Camp scene in a pine forest", of which he was one of the encampment. The Vicar was present at a former "Reading", and delivered a "Reading" on a subject to show his good wishes, and evinced an interest that in proportion as they are conducted with wisdom they may be a means of improvement and enjoyment to all. The Vicar was rlso present at nealy all the lectures and manifested the deepest interest.

It might be added that the above lecturer delivered an account of Rupert's Land in the Market Hall, Fareham, where the Vicar of that parish, and the Chaplain-General of the Navy, and many others present exhibited the most lively interest".

From the Hampshire Chronicle,
April 27, 1867.

ERRATA.

P 5. Introduction, first foot-note belongs to p. 6 (‡)—2nd. on p. 5. (‖).
P. 25. for 1814 read 1848.
P. 77. for sized read seized.
P. 77. for 1868 read 1683.
P. 85 foot-note, after admission, first.
P. 73. instead of bushed read bushel.

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